(iii) One deer of either sex may be taken.

(iv) Hunters are required to check in and out of the refuge.

(i) Tennessee.

* * * * *

(1) Cross Creeks National Wildlife Refuge. Hunting of white-tailed deer is permitted on designated areas of the refuge subject to the following conditions:

(i) Permits are required.

(ii) The construction or use of permanent blinds, platforms or ladders is not permitted.

(ii) Wisconsin.

* * * * *

(1) Fox River National Wildlife Refuge. Hunting of white-tailed deer is permitted on designated areas of the refuge subject to the following conditions:

(i) A permit is required for archery hunting, and a valid State permit for Quota Area 61B is required for the firearms deer hunt.

(ii) The construction or use of permanent blinds, platforms, or ladders is not permitted.

(ii) Archery hunting is permitted only during the December State season, and on part of the refuge lying west of the auto tour road.

(iv) The construction or use of permanent blinds, platforms, or ladders is not permitted.

(v) Portable blinds or platforms must be removed from the refuge after each day’s hunt.

* * * * *

PART 33—SPORT FISHING

Accordingly it is proposed to amend Part 33 of Chapter I of Title 50 of the Code of Federal Regulations by the addition of Alligator River, Ouray, Trempealeau and Wertheim National Wildlife Refuges in § 33.4 as follows:

§ 33.4 List of open areas; sport fishing.

* * * * *

North Carolina

* * * * *

Alligator River National Wildlife Refuge

* * * * *

New York

* * * * *

Wertheim National Wildlife Refuge

* * * * *

Utah

* * * * *

Ouray National Wildlife Refuge

* * * * *

Wisconsin

* * * * *

Trempealeau National Wildlife Refuge

* * * * *

Authority: 16 U.S.C. 668b, 668dd.


J. Cotter, Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 84-22598 FR Doc. 84-7464 04 05 am]

BILLING CODE 4310-55-M

DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

50 CFR 676

[Docket No. 40803-4103]

King Crab Fishery of the Bering Sea and Aleutian Islands Area

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule and request for comment.

SUMMARY: NOAA proposes a rule to implement a fishery management plan for the king crab fishery of the Bering Sea and Aleutian Islands area (FMP). Under this proposal, NOAA will evaluate current and future State of Alaska laws and regulations for conformance with the FMP and applicable Federal law. If approved by NOAA under the procedures provided in the proposed rule, Alaska laws and regulations applicable to the king crab fishery will also have force and effect as Federal regulations for the Bering Sea and Aleutian Islands area. NOAA requests public comment on this rule and the FMP. This action is necessary to promote full participation in the conservation and management of king crab stocks in the Bering Sea and Aleutian Islands area by all persons interested in this fishery, whether or not they are residents of the State of Alaska. This action is intended to provide for the continued active participation of the State of Alaska in the management of king crab fisheries of the Bering Sea and Aleutian Islands area.

DATES: Comments on the FMP and the proposed rule must be received on or before September 28, 1984.

ADDRESS: Comments should be addressed to Robert W. McVey, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1665, Juneau, AK 99802. Copies of the FMP may be obtained from the North Pacific Fishery Management Council, P.O. Box 103135, Anchorage, AK 99510, telephone 907-274-4563.

FOR FURTHER INFORMATION CONTACT: Robert W. McVey, 907-566-7221.

SUPPLEMENTARY INFORMATION: On September 23, 1983, the North Pacific Fishery Management Council (Council) adopted the FMP under § 302 of the Magnuson Fishery Conservation and Management Act (Magnuson Act), and under §§ 302-303 has submitted it to the Secretary of Commerce [Secretary] for approval and implementation.

Rather than prescribing specific management measures for the fishery it covers, the FMP sets forth general standards and criteria for the management of that fishery. It provides a flexible framework for the development of specific management measures consistent with these standards and criteria, without requiring amendment of the FMP itself to incorporate those measures. The FMP provides management standards and criteria dealing with the following subjects: Fishing seasons, gear restrictions, gear placement, gear storage, vessel tank inspection, size and sex restrictions, and registration areas. The FMP also specifies the optimum yield (OY) of the fishery it covers by prescribing a method by which the annual allowable catch from that fishery must be determined, using the best available scientific information.

In adopting the FMP, the Council intended that, to the extent practicable, the State of Alaska should continue to play a leading role in the management of this king crab fishery. Since 1980, shortly after it attained statehood, Alaska has developed a sophisticated management system for the king crab fishery off its shores, both within and beyond the three-mile limit. This system, representing the acquired expertise of scores of State of Alaska employees and an investment by that State over the years of many millions of dollars, could not be duplicated in the immediate future by NOAA. At the same time, some residents of States other than Alaska who participate in the king crab fishery off that State have long been
concerned about their lack of representation of the Alaska Board of Fisheries (Board) and in the Alaska Department of Fish and Game (ADF&G), the agencies that manage fisheries on behalf of Alaska. In order to take maximum advantage of Alaska's ability and willingness to continue to manage the king crab fishery while at the same time providing sufficient Federal oversight to ensure representation and consideration of non-Alaska concerns, the Council and NOAA have proposed that the FMP be implemented by the Board and ADF&G in consultation with the Council (which includes non-Alaska representatives) and subject to the approval by NOAA of individual management measures adopted by the Board of ADF&G. The proposed rule delegates management authority for the fishery to the State of Alaska, and specifies the procedures by which existing and future State of Alaska management measures are to be evaluated for consistency with the standards and criteria of the FMP. These procedures are designed to ensure that all interested persons have the opportunity to make their views on State management measures known to NOAA while preventing unnecessary delay in their implementation or amendment. Consultation between the Council and the Board concerning proposals for new management measures will be conducted at joint meetings of those two bodies. Pending approval by the Secretary, new State of Alaska management measures may govern fishing for king crab beyond the three-mile limit in the Bering Sea and Aleutian Islands area only by vessels registered under the laws of the State of Alaska. After approval by the Secretary, State of Alaska management measures could acquire the force and effect of Federal law, and will apply to all vessels fishing for king crab in the Bering Sea and Aleutian Islands area.

Under the FMP and the proposed rule, each vessel fishing for king crab beyond the three-mile limit in the Bering Sea and Aleutian Islands area would have to obtain a Federal permit from the Secretary. The FMP covers only the king crab fishery of the Bering Sea and Aleutian Islands area, and excludes the fishery in the Gulf of Alaska. King crab stocks in the Gulf are biologically discrete from those in the Bering Sea and Aleutians, and thus can be managed separately from them. The king crab fishery of the Gulf is, to a much greater extent than the fishery covered in the FMP, relied upon heavily by small local fleets. This fact renders much more difficult an assessment of the socioeconomic costs and benefits or proposed management standards and criteria for the Gulf fishery. While an FMP may eventually be adopted for the Gulf fishery, the Council decided that implementation of an FMP for the Bering Sea and Aleutians should not be delayed for the significant period that would be required to assess the costs and benefits of Federal management in the Gulf. NOAA concurs with this decision. In addition, there is substantial controversy whether any king crab fishery off Alaska would require Federal conservation and management in the absence of the concerns expressed by non-Alaskan participants about the representation of their interests in the State of Alaska management system. The expression of these concerns has been more urgent in connection with the king crab fishery of the Bering Sea and Aleutians than with the Gulf king crab fishery.

Classification

Section 304(a)(1)(C)(ii) of the Magnuson Act, as amended by Pub. L. 97-493, requires the Secretary to publish regulations proposed by a Council within 30 days of receipt of the FMP and regulations. At this time the Secretary has not determined that the FMP these rules would implement is consistent with the national standards of Magnuson Act § 301, other provisions of the Magnuson Act, and other applicable law. The Secretary, in making that determination, will take into account the data, views, and comments received during the comment period.

The NOAA Administrator has determined that this proposed rule is not a "major rule" requiring a regulatory impact analysis under Executive Order 12291. None of the economic effects that are summarized below are expected to rise to a level that would make this proposed rule a "major rule" for purposes of the Executive Order. The Council prepared a regulatory impact review/initial regulatory flexibility analysis (RIR/IRFA) which concludes that this proposed rule, if adopted, would have the following significant economic effects on small entities. These effects would derive from the fishery management measures that would be implemented under the proposed rule.

Delayed season opening dates tend to increase meat yield, which will probably cause ex-vessel value of landings to fluctuate. Later opening dates could place the season in bad weather conditions, which would affect smaller vessels more than large vessels. Both small and large vessels could be expected to lose fishing time under such circumstances. Increases in deadloss would be likely, and the probability of personal injury of the crew and damage to gear would be greater. Season changes would affect processors by changing product recovery rates. Late seasons would also affect transshipment of final product. Consumers might experience moderate price fluctuations, as a result of changes in meat yield.

The proposed carapace size limit is predicted to have wide-ranging effects on statewide price per pound because of a market preference of larger crab. At a carapace width of 0.25 inches, the predicted price per pound would be $0.99. At 0.75 inches, this price is estimated to be $1.34. Changes in carapace size limits will likely alter available harvestable surplus. Decreases in allowable harvests resulting from size limits are expected to affect small operators adversely, since the average catch-per-unit-of-effort for such operators tends to be low. Larger vessels would be less subject to this phenomenon. Size limits would affect meat recovery rates, and the ease of meat removal, and would thus affect the costs of processors. The magnitude of these potential effects is not known. Size limits could also affect prices to consumers and, in extreme cases of low crab abundance, lead to interruptions in king crab availability on the market.

Yields of crab will change with the exploitation rate, given any particular size limit. At a 0.5-inch size limit, with exploitation rates of 0.3 and 0.9, the expected ex-vessel revenues based on 1981 price data would be $51.5 million and $76.5 million, respectively.

Processors would gain, other things being equal, with higher exploitation rates.

The establishment of exclusive registration areas would tend to redistribute the benefits of the fishery between small vessels and large vessels. Exclusive registration favors smaller vessels, while non-exclusive registration favors larger, more mobile vessels with high capacity. Processors are expected to be unaffected by the designation of registration areas.

Variations in gear storage regulations would also affect large and small vessels in different ways. The extremes for such regulations are on-land storage only and random at-sea storage. On-land storage, while adversely affecting all vessels, would tend to affect smaller vessels more than larger ones because of their lack of pot transport capacity. The direct costs of on-land storage would include the rental of space and cost of equipment necessary to handle the gear. The average cost per pot of on-land storage has been estimated at $18
per pot per year, or $7,704 per fisherman per year. The other extreme in gear storage is random at-sea storage. Because 60% per cent of the crab fleet currently stores its pots on land, a regulation allowing at-sea storage would free up this land for other uses. However, at-sea storage might affect fishery resources and impede navigation and other fisheries.

The FMP leaves open the possibility of a directed fishery on female king crab, which has been avoided in the past by both fishermen and processors in favor of the larger males. The effects of such a change on small vessels would be significant, because an additional large and distinct biomass of females might tend to relieve some of the competition between small and large vessels. The smaller vessels might be better suited than the larger ones to exploit the females, which would yield a lower catch per unit of effort and could require considerable sorting. Processors are not likely to be affected adversely by delivery of the smaller female king crab, since they have had more than a decade of experience in processing Tanner crab, which are similar in size than female king crab.

The Federal permits provided for by the FMP and the proposed rule would be issued to vessel owners free of charge with no requirement other than the submission of certain information. They would thus have no significant economic effect. The main purposes of the Federal permit requirement are to generate information about the size and characteristics of the fleet for future management purposes and to make administrative permit revocation or modification available to NOAA as a response to violations of the management measures applicable to the king crab fishery.

This proposed rule is exempt from the procedures of Executive Order 12291 under section 6(a)(2) of that Order. Deadlines imposed under the Magnuson Act, as amended by Pub. L. 97-453, require the Secretary to publish this proposed rule 30 days after its receipt. The proposed rule is being reported to the Director, Office of Management and Budget, with an explanation of why it is not possible to follow the regular procedures of the order.

This proposed rule contains a collection of information requirement at §676.4 that is subject to the Paperwork Reduction Act (PRA). This requirement has been submitted to the Office of Management and Budget (OMB) for review under section 3504(h) of the PRA. Comments on the collection of this information should be directed to the Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for NOAA.

The Council determined that this proposed rule will be implemented in a manner that is consistent to the maximum extent practicable with the approved coastal zone management program of Alaska. This determination has been submitted for review by the responsible state agencies under section 307 of the Coastal Zone Management Act.

List of Subjects in 50 CFR Part 676

Administrative practice and procedure, Fish, Fisheries, Fishing, Reporting and recordkeeping requirements.


Joseph W. Angelovic,
Deputy Assistant Administrator for Science and Technology, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR Chapter VI is amended by adding a new Part 676, to read as follows:

PART 676—KING CRAB FISHERY OF THE BERING AND ALEUTIAN ISLANDS AREA

Subpart A—General Measures

Sec.

676.1 Purpose and scope.

676.2 Definitions.

676.3 Relation to other laws.

676.5 General prohibitions.

676.6 Facilitation of enforcement.

676.7 Penalties.

Subpart B—Implementation Measures

676.20 Initial implementation of the FMP.

676.21 New State laws and regulations.

676.22 Reconsideration of a final notice by the Secretary.

676.23 Amendment of the FMP.

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

Subpart A—General Measures

§ 676.1 Purpose and scope.

(a) Regulations in this part govern fishing for king crab by vessels of the United States within the Bering Sea and Aleutian Islands area.

(b) Subject to the other provisions of this part, the authority to implement the Fishery Management Plan for the King Crab Fishery of the Bering Sea and Aleutian Islands Area (FMP) is delegated to the State of Alaska.

(c) Subject to other requirements of law, this part will take effect upon receipt by the Secretary of a statement signed by the Governor of the State of Alaska accepting the provisions of this part on behalf of the State and identifying the agencies that will exercise the authority to implement the FMP delegated by paragraphs (b) of this section (designated agency).

§ 676.2 Definitions.

In addition to the definitions in the Magnuson Act, and unless the context requires otherwise, the terms used in this part have the following meanings:

Authorized officer means—

(a) Any commissioned, warrant, or petty officer of the U.S. Coast Guard;

(b) Any special agent of the National Marine Fisheries Service;

(c) Any officer designated by the head of any Federal or State agency which has entered into an agreement with the Secretary and the Secretary of Transportation to enforce the provisions of the Magnuson Act; and

(d) Any Coast Guard personnel accompanying and acting under the direction of any person described in paragraph (a) of this definition.

Bering Sea and Aleutian Islands area means those waters outside the boundaries of the State of Alaska lying south of the Bering Strait and east of the U.S.-U.S.S.R. Convention line of 168°, and extending south of the Aleutian Islands for 260 miles between the Convention line and 167°47'30" W. longitude.

Council means the North Pacific Fishery Management Council, 694 West Fourth Avenue, Room 163, Anchorage, AK 99501.

Designated agency means the agency designated by the Governor of the State of Alaska under §676.1(c) of this part.

Fish includes king crab.

Fishing means—

(a) The catching, taking, or harvesting of fish;

(b) The attempted catching, taking, or harvesting of fish;

(c) Any other activity which reasonably can be expected to result in the catching, taking, or harvesting of fish; or

(d) Any operations at sea in support of, or in preparation for, any activity described in paragraphs (a) through (c) of this definition.

Fishing vessel means any vessel, boat, ship, or other craft which is used for, equipped to be used for, or of a type which is normally used for fishing or for assisting or supporting a vessel engaged in fishing.

Fishery management plan (FMP) means the Fishery Management Plan for the King Crab Fishery of the Bering Sea and Aleutian Islands Area.

King crab means the following species of the family Lithodidae:

(a) Paralithodes camtschatica, red king crab;
(b) Application. A vessel owner may obtain a permit required under the preceding subsection by submitting to the Regional Director a written application containing the following information:

(1) The applicant's name, mailing address, and telephone number;
(2) The name of the vessel;
(3) The vessel's U.S. Coast Guard documentation number or State registration number;
(4) The home port of the vessel;
(5) The length of the vessel;
(6) The type of fishing gear to be used; and
(7) The signature of the applicant.

The Regional Director may accept a completed State of Alaska commercial fishing license application in satisfaction of the requirements of this subsection.

§676.3 Relation to other laws.

(a) Federal law. For regulations governing fishing by vessels of the United States for halibut, see regulations of the International Pacific Halibut Commission at 50 CFR Part 301; for those governing fishing for groundfish off Alaska, see 50 CFR Parts 672 and 673; for those governing salmon fishing off Alaska, see 50 CFR Part 674; for those governing fishing for Tanner crab, see 50 CFR Part 671; and for those governing permits and certificates of inclusion for the taking of marine mammals, see 50 CFR Part 216.

(b) State law. Each law and regulation of the State of Alaska approved under this part will be incorporated by reference in the Federal Register in accordance with 1 CFR Part 51. Laws of the State of Alaska approved under this part are codified in Title 16 of the Alaska Statutes. Regulations of the State of Alaska approved under this part are codified in title 5 of the Alaska Administrative Code. Copies of these laws and regulations may be obtained from the Alaska Department of Fish and Game, Commercial Fisheries Division, P.O. Box 3-2000, Juneau, AK 99802, telephone 907-465-4210.

§676.4 Permits.

(a) General. No vessel of the United States may fish for king crab in the Bering Sea and Aleutian Islands area without first obtaining a permit issued under this section. Each such permit will be issued without charge.

(b) Paralithodes platypus, blue king crab;
(c) Lithodes aequispina, brown or golden king crab;
(d) Lithodes couesi.

Magnuson Act means the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1901 et seq.).

Operator, with respect to any vessel, means the master or other individual on board and in charge of that vessel.

Regional Director means the Director, Alaska Region, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, P.O. Box 1868, Juneau, AK 99802.

Secretary means the Secretary of Commerce.

Vessel of the United States means—

(a) Any vessel documented under the laws of the United States;
(b) Any vessel numbered in accordance with the Federal Boat Safety Act of 1971 (46 U.S.C. 1400 et seq.) and measuring less than 5 net tons; or

§676.5 General prohibitions.

It is unlawful for any person to—

(a) Fish for king crab in the Bering Sea and Aleutian Islands area, except as allowed by laws and regulations of the State of Alaska approved under this part at the time such fishing occurs;
(b) Fish for king crab in the Bering Sea and Aleutian Islands area without, or in violation of, a valid permit issued under this part;
(c) Violate any other provision of the Magnuson Act or this part;
(d) Fail to comply immediately with enforcement and boarding procedures specified in §676.8 of this part;
(e) Possess, have custody or control of, ship, transport, import, export, offer for sale, sell, or purchase any king crab taken or retained in violation of the Magnuson Act, this part, any permit issued under this part, or any law or regulation of the State of Alaska approved under this part;
(f) Refuse to allow an authorized officer to board a fishing vessel subject to such person's control for purposes of conducting any search or inspection in connection with the enforcement of the Magnuson Act, this part, any permit issued under this part, or any law or regulation of the State of Alaska approved under this part;
(g) Forcibly assault, resist, oppose, impede, intimidate, or interfere with any authorized officer in the conduct of any search or inspection described in paragraph (f) of this section;
(h) Resist a lawful arrest for any act prohibited by the Magnuson Act, this part, any permit issued under this part, or any law or regulation of the State of Alaska approved under this part;
(i) Interfere with, delay, or prevent, by any means, the apprehension or arrest of another person knowing that such person has committed any act prohibited by the Magnuson Act, this part, any permit issued under this part,
§676.6 Facilitation of enforcement.

(a) General. The operator of, or any other person aboard, any fishing vessel subject to this part must immediately comply with instructions and signals issued by an authorized officer to stop the vessel and with instructions to facilitate safe boarding and inspection of the vessel and its gear, equipment, fishing record (where applicable), and catch for purposes of enforcing the Magnuson Act and this part.

(b) Communications. (1) Upon being approached by a U.S. Coast Guard vessel or aircraft, or other vessel or aircraft with an authorized officer aboard, the operator of a fishing vessel must be alert for communications conveying enforcement instructions.

(2) If the size of the vessel and the wind, sea, and visibility conditions allow, loudhailer is the preferred method for communicating between vessels. If use of a loudhailer is not practicable, and for communications with an aircraft, VHF-FM or high frequency radiotelephone will be employed. Hand signs, placards, or voice may be employed by an authorized officer and message blocks may be dropped from an aircraft.

(3) If other communications are not practicable, visual signals may be transmitted by flashing light directed at the vessel signaled. Coast Guard units will normally use the flashing light signal "L" as the signal to stop.

(4) Failure of a vessel's operator to stop his vessel when directed to do so by an authorized officer using loudhailer, radiotelephone, flashing light signal, or other means constitutes prima facie evidence of the offense of refusal to permit an authorized officer to board.

(5) The operator of a vessel who does not understand a signal from an enforcement unit and who is unable to obtain clarification by loudhailer or radiotelephone must consider the signal to be a command to and stop the vessel instantly.

(c) Boarding. The operator of a vessel directed to stop must—

(1) Guard Channel 16, VHF-FM if so equipped;

(2) Stop immediately and lay to or maneuver in such a way as to allow the authorized officer and his party to come aboard;

(3) Except for those vessels with a freeboard of four feet or less, provide a safe ladder, if needed, for the authorized officer and his party to come aboard;

(4) When necessary to facilitate the boarding or when requested by an authorized officer, provide a manrope or safety line, and illumination for the ladder; and

(5) Take such other actions as necessary to facilitate boarding and to ensure the safety of the authorized officer and the boarding party.

(d) Signals. The following signals, extracted from the International Code of Signals, may be sent by flashing light by an enforcement unit when conditions do not allow communications by loudhailer or radiotelephone. Knowledge of these signals by vessel operators is not required. However, knowledge of these signals and appropriate action by a vessel operator may preclude the necessity of sending the signal "L" and the necessity for the vessel to stop instantly.

(1) "AA" repeated (— —) is the call to an unknown station. The operator of the signaled vessel should respond by identifying the vessel by radiotelephone or by illuminating the vessel's identification.

(2) "RY-CY" [— — — — — — — — ] means "you should proceed at slow speed, a boat is coming to you." This signal is normally employed when conditions allow an enforcement boarding without the necessity of the vessel being boarded coming to a complete stop, or, in some cases, without retrieval of fishing gear which may be in the water.

(3) "SO3" [— — — — — — — ] means "you should stop or heave to; I am going to board you."

(4) "L" (— — — ) means "you should stop your vessel instantly."

§676.7 Penalties.

Any person or fishing vessel found to be in violation of this part is subject to the civil and criminal penalty, permit sanction, and forfeiture provisions of the Magnuson Act, to 50 CFR Part 620 (Citations), to 16 CFR Part 904 (Civil Procedures), and to other applicable law.

Subpart B—Management Measures

§676.20 Initial implementation of the FMP.

(a) After promulgation of this part, the Secretary will publish in the Federal Register a notice of approval which (1) specifies the laws and regulations of the State of Alaska governing fishing for king crab in the Bering Sea and Aleutian Islands area that was not in effect when the notice provided for in §676.20 of this part was published, the Secretary will publish in the Federal Register a notice requesting comments by any interested person on that law and whether it is consistent with the FMP. Interested persons will have the opportunity to submit comments for a period of at least 45 days after publication of the notice requesting comments.

(2) Within ninety days after final enactment of a law referred to in paragraph (a)(1) of this section, and after consultation with the Council, the Secretary will publish in the Federal Register a notice of approval which (1) specifies any provision of that law that he finds to be inconsistent with the FMP; (2) declares that the laws and regulations so specified cease to govern fishing for king crab in the Bering Sea and Aleutian Islands area by any vessel, whether or not it is registered under the laws of the State of Alaska; (3) declares that all laws and regulations of the State of Alaska governing fishing for king crab in the Bering Sea and Aleutian Islands area then in effect that are not so specified are approved under this part and govern all fishing for king crab in the Bering Sea and Aleutian Islands area by any vessel, whether or not it is registered under the laws of the State of Alaska; and (4) states the findings and conclusions upon which the Secretary's action is based. The Secretary will not publish the notice provided for in this section until interested persons have been afforded a period of at least 45 days in which to comment on laws and regulations of the State of Alaska governing fishing for king crab in the Bering Sea and Aleutian Islands area then in effect and the consistency of those laws and regulations with the FMP. The statement of findings and conclusions contained in the notice published under this section must respond to the comments received during this period. The Secretary will publish the notice provided for in this section after he has consulted with the Council concerning his action and the findings and conclusions upon which it is based.

(b) The Secretary, after consultation with the Council, may promulgate and amend such other regulations as may be necessary to implement the FMP fully, in accordance with other requirements of law.
not it is registered under the laws of the State of Alaska; (3) declares that all provisions of that law which are not so specified are approved under this part and will govern all fishing for king crab in the Bering Sea and Aleutian Islands area by any vessel, whether or not it is registered under the laws of the State of Alaska; and (4) states the findings and conclusions upon which the Secretary's action is based, responding to comments received under the notice provided for in paragraph (a)(1) of this section.

(3) A regulation referred to in paragraph (a)(1) of this section will govern fishing for king crab in the Bering Sea and Aleutian Islands area by any vessel registered under the laws of the State of Alaska, until the Secretary publishes the notice provided for in paragraph (a)(2) of this section. If a law or regulation of the State of Alaska that was previously approved under this part conflicts with a law governing fishing for king crab in the Bering Sea and Aleutian Islands area under this paragraph, the previously approved law or regulation will cease to be approved under this part with respect to vessels registered under the laws of the State of Alaska. When the Secretary publishes a notice under paragraph (a)(2) of this section disapproving the conflicting provisions of the new law, the previously approved law or regulation will once again be considered approved under this part with respect to vessels registered under the laws of the State of Alaska.

(b) New State regulations. (1) As soon as practicable after the designated agency of the State of Alaska publishes for public comment a proposed regulation governing fishing for king crab in the Bering Sea and Aleutian Islands area that was not in effect when the notice provided for in § 676.20 of this part was published, the Secretary will publish in the Federal Register a notice requesting comments by any interested person on that proposal and whether it is consistent with the FMP. The notice will require that such comments be submitted to the designated agency in accordance with that agency's administrative procedures. It will explain that the Secretary will determine whether any such proposed regulation that may be adopted by that agency is consistent with the FMP on the basis of the administrative record developed before that agency.

(2) Within 30 days after the adoption by the designated State agency of a proposed regulation referred to in paragraph (b)(1) of this section, and after consultation with the Council, the Secretary will publish in the Federal Register a notice of approval which (1) specifies any provision of that regulation that he finds to be inconsistent with the FMP; (2) declares that any provision so specified do not govern fishing for king crab in the Bering Sea and Aleutian Islands area by any vessel, whether or not it is registered under the laws of the State of Alaska; (3) declares that all provisions of that regulation that are not so specified are approved under this part and govern all fishing for king crab in the Bering Sea and Aleutian Islands area by any vessel, whether or not it is registered under the laws of the State of Alaska; and (4) states the findings and conclusions upon which the Secretary's action is based. The statement of findings and conclusions contained in the notice published under this paragraph will be based upon the administrative record developed before the designated agency of the State of Alaska, and the Secretary will respond to relevant points raised in comments submitted to that agency on the proposed regulation.

(3) A regulation referred to in paragraph (b)(1) of this section may govern fishing for king crab in the Bering Sea and Aleutian Islands area by any vessel registered under the laws of the State of Alaska, until the Secretary publishes the notice provided for in paragraph (b)(2) of this section. If a regulation of the State of Alaska that was previously approved under this part conflicts with a law governing fishing for king crab in the Bering Sea and Aleutian Islands area under this paragraph, the previously approved regulation will cease to be approved under this part with respect to vessels registered under the laws of the State of Alaska. When the Secretary publishes a notice provided for in this paragraph disapproving the conflicting provisions of the new regulation, the previously approved regulation will once again be considered approved under this part with respect to vessels registered under the laws of the State of Alaska.

§ 676.22 Reconsideration of a final notice by the Secretary. * * * Within ten days after publication in the Federal Register of a notice of final action by the Secretary under § 676.20 or § 676.21 of this part, any person may request the Secretary to reconsider and change that action. The request will specify the proposed change in the action, and the reasons that change is believed to be necessary. The request will not be considered to have been made until it has been received at the address specified in the notice of the action. Within 30 days after publication of the notice of final action in the Federal Register, the Secretary will grant or deny all requests for reconsideration of that action that have been made, and will promptly publish a notice of such grant or denial in the Federal Register.

§ 676.23 Amendment of the FMP. * * * The provisions of § 676.20 and § 676.22 of this part apply upon implementation of any amendment of the FMP.

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