

assurance plan at the time of the CEMS failure. One-minute averages must not be rounded, smoothed, or disregarded.

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PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

16. The authority citation for part 261 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6921, 6922, and 6938.

17. Section 261.38 is amended by adding paragraph (c)(2)(iv) to read as follows:

§ 261.38 Comparable/Syngas Fuel Exclusion.

* * * * *

(c) * * *

(2) * * *

(iv) Gas turbines used to produce electric power, steam, heated or cooled air, or other gases or fluids for sale.

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PART 270—EPA ADMINISTERED PERMIT PROGRAMS: THE HAZARDOUS WASTE PERMIT PROGRAM

18. The authority citation for part 270 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912, 6924, 6925, 6927, 6939, and 6974.

19. Section 270.42 is amended by revising paragraph (j)(1) to read as follows:

§ 270.42 Permit modification at the request of the permittee.

* * * * *

(j) * * *

(1) Facility owners or operators must comply with the Notification of Intent to Comply (NIC) requirements of 40 CFR 63.1210(b) and (c) before a permit

modification can be requested under this section.

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[FR Doc. 00-16515 Filed 7-7-00; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 000623193-0193-01; I.D. 060800D]

Fisheries of the Exclusive Economic Zone Off Alaska; Prohibited Species Catch in the Bering Sea and Aleutian Islands

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

ACTION: Final 2000 harvest specifications; technical amendment.

SUMMARY: NMFS issues a technical amendment to the Final 2000 Harvest Specifications for Groundfish for the Bering Sea and Aleutian Islands (BSAI). A revision to Table 7 of the Final 2000 Harvest Specifications, which is prohibited species bycatch allowances for the BSAI trawl and non-trawl groundfish fisheries, is necessary to reflect reduced prohibited species bycatch allowances under Amendment 57 to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP).

DATES: Effective June 15, 2000, through 2400 hrs A.l.t. December 31, 2000.

FOR FURTHER INFORMATION CONTACT: Andrew N. Smoker, 907-586-7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the

BSAI according to the FMP prepared by the North Pacific Fishery Management Council (Council) under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The Council, at its December 1999 meeting, recommended that the Final 2000 Harvest Specifications include prohibited species bycatch allowances proportionally reduced to reflect reduced prohibited species catch (PSC) limits under pending Amendment 57. Because the Final Harvest Specifications for Groundfish of the BSAI (65 FR 8282, February 18, 2000) were issued prior to Amendment 57 being approved by NMFS and implemented by regulations, the specifications set forth prohibited species bycatch allowances for the BSAI trawl fisheries based on the following pre-FMP Amendment 57 PSC limits: Pacific halibut, 3,775 mt; Zone 1 red king crab, 100,000 animals; *Chionoecetes (C.) opilio*, 4,500,000 animals; *C. bairdi* Zone 1, 900,000; and *C. bairdi* Zone 2, 2,550,000 animals.

Under the regulations implementing Amendment 57 to the FMP (65 FR 31105, May 16, 2000), which became effective June 15, 2000, the 2000 Pacific halibut and crab PSC limits for the BSAI trawl fisheries were reduced to the following amounts: Pacific halibut, 3,675 mt; Zone 1 red king crab, 97,000 animals; *C. opilio*, 4,350,000 animals; *C. bairdi* Zone 1, 830,000; and *C. bairdi* Zone 2, 2,520,000 animals. The corresponding prohibited species bycatch allowances were reduced proportionally.

This technical amendment revises Table 7 of the Final 2000 Harvest Specifications for Groundfish of the BSAI accordingly to read as follows:

TABLE 7.—PROHIBITED SPECIES BYCATCH ALLOWANCES FOR THE BSAI TRAWL AND NON-TRAWL FISHERIES¹

[All amounts are in metric tons]

	Prohibited Species and Zone					
	Halibut mortality (mt) BSAI	Herring (mt) BSAI	Red King Crab (animals) Zone 1	<i>C. opilio</i> (animals) COBLZ ²	<i>C. bairdi</i> (animals)	
					Zone 1	Zone 2
Trawl Fisheries:						
Yellowfin sole	886	169	11655	2,876,579	288,750	1,514,683
January 20–March 31	262					
April 1–May 20	196					
May 21–July 3	48					
July 4–December 31	380					
Rocksole/oth. flat/flat sole ³	779	24	42,090	869,934	309,326	504,894
January 20–March 31	448					
April 1–July 31	64					
July 4–December 31	167					
Turbot/sablefish/arrowtooth ⁴		11		41,043		

TABLE 7.—PROHIBITED SPECIES BYCATCH ALLOWANCES FOR THE BSAI TRAWL AND NON-TRAWL FISHERIES¹—
Continued

[All amounts are in metric tons]

	Prohibited Species and Zone					
	Halibut mortality (mt) BSAI	Herring (mt) BSAI	Red King Crab (animals) Zone 1	<i>C. opilio</i> (animals) COBLZ ²	<i>C. bairdi</i> (animals)	
					Zone 1	Zone 2
Rockfish (July 4–December 31) ⁵	69	9		41,043		10,024
Pacific cod	1,434	24	11,656	123,529	154,856	275,758
Pollock/Atka/other ⁶	232	1,616	1,660	71,622	14,818	25,641
RKC savings subarea ³		22,665				
Total Trawl PSC	3,400	1,853	89,725	4,023,750	767,750	2,331,000
Non-Trawl Fisheries:						
Pacific cod—Total	748					
Jan. 1–April 30 ⁷	7457					
May 1–August 31	0					
Sept. 1–Dec. 31	291					
Other non-trawl—Total	84					
May 1–December 31	84					
Groundfish pot & jig	Exempt					
Sablefish hook-&-line	Exempt					
Total Non-Trawl	833					
PSQ Reserve ⁸	343		7,275	326,250	62,250	189,000
Grand Total	4,675	1,853	97,000	4,350,000	830,000	2,520,000

¹ Refer to § 679.2 for definitions of areas.² *C. opilio* Bycatch Limitation Zone. Boundaries are defined at § 679.21(e)(7)(iv)(B).³ The Council at its December 1999 meeting recommended limiting red king crab for trawl fisheries within the RKCSS to 35 percent of the total allocation to the rock sole, flathead sole, and other flatfish fishery category (§ 679.21(e)(3)(ii)(B)).⁴ Greenland turbot, arrowtooth flounder, and sablefish fishery category.⁵ The Council at its December 1999 meeting recommended apportioning the rockfish PSC amounts from July 4–December 31, to prevent fishing for rockfish before July 4, 2000.⁶ Pollock, Atka mackerel, and "other species" fishery category.⁷ Any unused halibut PSC from the first trimester may be rolled over into the third trimester.⁸ With the exception of herring, 7.5 percent of each PSC limit is allocated to the multi-species CDQ program as PSQ reserve. The PSQ reserve is not allocated by fishery, gear or season.**Classification**

Because this technical amendment merely revises a table in the specifications to reflect new allowances under a previous final rule, pursuant to 5 U.S.C. 5539(b)(B), the Assistant Administrator for Fisheries, NOAA, finds, for good cause, that it is unnecessary to provide prior notice and opportunity for public comment in that no useful purpose would be served.

In addition, because this is a non-substantive rule, under 5 U.S.C. 553(d), a 30-day delay in effectiveness is not required.

Because prior notice and opportunity for public comment are not required for this rule by 5 U.S.C. 533, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* are inapplicable.

This action is required by § 679.20 and is exempt from review under E.O. 12866.

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

Dated: July 3, 2000.

Penelope D. Dalton,

*Assistant Administrator for Fisheries,
National Marine Fisheries Service.*

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