

pursuant to policies established by other Federal, State, or regional entities. These proposed elevations are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

National Environmental Policy Act

This proposed rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Mitigation Division Director of the Emergency Preparedness and Response Directorate certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because modified base flood elevations are

required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are required to maintain community eligibility in the NFIP. No regulatory flexibility analysis has been prepared.

Regulatory Classification

This proposed rule is not a significant regulatory action under the criteria of Section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 12612, Federalism

This proposed rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform

This proposed rule meets the applicable standards of Section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and Recordkeeping requirements.

Accordingly, 44 CFR Part 67 is proposed to be amended as follows:

PART 67—[AMENDED]

1. The authority citation for Part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 67.4 [Amended]

2. The tables published under the authority of § 67.4 are proposed to be amended as follows:

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet *(NGVD) ♦(NAVD)	
				Existing	Modified
MO	Seneca (City) (Newton County).	Little Lost Creek	At confluence with Lost Creek	*849	*847
			Approximately 2,650 feet upstream of St. Louise Street.	*874	*872
		Lost Creek	Approximately 3,00 feet downstream of Cherokee Avenue.	None	*847
			Approximately 3,900 feet upstream of Seneca Avenue.	*863	*862

Maps are available for inspection at the Seneca City Hall, 1303 Cherokee, Seneca, Missouri.

Send comments to The Honorable Gary Roark, Mayor, City of Seneca, 1303 Cherokee Avenue, Seneca, Missouri 64865.

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance.")

Dated: May 9, 2003.

Anthony S. Lowe,

Mitigation Division Director, Emergency Preparedness and Response Directorate.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 030513122-3122-01; ID 050103C]

RIN 0648-AR01

Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Control Date for Loligo and Illex Squid

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

ACTION: Advance notice of proposed rulemaking; notice of a control date for the purposes of controlling capacity in the commercial fishery for *Loligo* squid and discouraging speculative entry into the *Illex* commercial fishery.

SUMMARY: NMFS announces that it is considering and is seeking public comment on proposed rulemaking to control future access to the *Illex* (*Illex illecebrosus*) and *Loligo* (*Loligo pealei*) squid fisheries under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). This announcement is intended, in part, to discourage speculative entry and increases in effort or capacity in these fisheries while the Mid-Atlantic Fishery Management Council (Council) and NMFS consider alternative allocation schemes and whether and how to further control capacity in the *Illex* and *Loligo* fisheries. The date of publication of this document, May 20, 2003, shall be known as the "control date" and may be used for establishing eligibility criteria for determining levels of future access to the *Illex* and *Loligo* fisheries subject to Federal authority.

DATES: Written comments must be received on or before 5 p.m., local time, June 19, 2003.

ADDRESSES: Comments should be directed to Daniel T. Furlong, Executive Director, Mid-Atlantic Fishery Management Council, 300 South New Street, Dover, DE 19904-6790. Mark the outside of the envelope, "Comments on Squid Control Date." Comments may also be sent via facsimile (fax) to (302) 674-5399. Comments will not be accepted if submitted via e-mail or Internet.

FOR FURTHER INFORMATION CONTACT: Paul H. Jones, Fishery Policy Analyst, 978-281-9273, email: Paul.H.Jones@noaa.gov.

SUPPLEMENTARY INFORMATION: In the 1990s, the simultaneous growth of the domestic squid fisheries and reduction in the estimate of sustainable yield resulted in the *Illex* and *Loligo* fisheries moving toward full capitalization and exploitation. As a result, limited entry programs became necessary and were implemented separately for each fishery in Amendment 5 to the Fishery Management Plan (FMP) (*Loligo* squid at 61 FR 14465, April 2, 1996 and *Illex* squid at 62 FR 28638, May 27, 1997).

In the case of the *Illex* fishery, a 5-year sunset provision was placed on the *Illex* moratorium when it was implemented through Amendment 5 to the FMP, due to concerns that capacity might prove to be insufficient to fully exploit the annual quota for the fishery. The sunset provision for the moratorium on entry into the *Illex* fishery, implemented in 1997, was set to expire in July 1, 2002. It was extended through July 1, 2003, under Framework 2 to the FMP (67 FR 44392, July 2, 2002) and is

currently being considered for an additional extension through July 1, 2004, under Framework 3 to the FMP (68 FR 14571, March 26, 2003). The Council is addressing this issue through development of Amendment 9 to the FMP. However, the Council is concerned that a hiatus in the *Illex* limited access program could occur should the moratorium for this fishery expire before Amendment 9 is implemented. At its March 20, 2003, meeting, the Council requested that NMFS publish an advance notice of proposed rulemaking issuing this control date to discourage speculative entry into the *Illex* fishery, should such a hiatus occur.

In the case of the *Loligo* fishery, the primary issue the Council is concerned with is excess and/or latent capacity. Quota management in this fishery, in conjunction with restrictions in other fisheries, has created a derby fishery in certain quota periods of the *Loligo* fishery. Therefore, the Council has expressed a need to examine excess capacity and/or latent capacity in the limited entry section of this fishery. Accordingly, at its March 20, 2003, meeting, the Council requested that NMFS also publish this control date to discourage speculative activation of previously unused effort or capacity in the *Loligo* fishery while alternative allocation schemes and potential management regimes to control capacity or latent effort are discussed and possibly developed and implemented. The control date communicates to fishermen that performance or fishing effort after the date of publication may

not be treated the same as performance or effort that was expanded before the control date. The Council could choose different and variably weighted methods to qualify fishermen based on the type and length of participation in the *Loligo* fishery or on the quantity of landings. The Council may also choose to take no further action to control entry or access to the *Loligo* fishery.

This notification establishes May 20, 2003, as the control date for potential use in determining historical or traditional participation in the *Loligo* and *Illex* fisheries. Consideration of a control date does not commit the Council to develop any particular management regime or criteria for participation in these fisheries. The Council may choose a different control date; or may choose a management program that does not make use of such a date. Any action by the Council will be taken pursuant to the requirements for FMP development established under the Magnuson-Stevens Act.

This notification also gives the public notice that interested participants should locate and preserve records that substantiate and verify their participation in the *Loligo* and *Illex* fisheries in Federal waters.

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

Dated: May 15, 2003.

John Oliver,

Deputy Assistant Administrator for Operations, National Marine Fisheries Service.

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