

the authority of sec. 3(1) of the Fair Labor Standards Act. This Regulation provides standards for the employment of minors 14 and 15 years of age in occupations other than manufacturing and mining during periods which will not interfere with their schooling and under conditions which will not interfere with their health or well-being.

This notice provided that comments regarding the proposed rulemaking must be received on or before August 16, 1982.

Due to the degree of interest that has been expressed in this proposed revision, the Administrator of the Wage and Hour Division is extending the period for written comments an additional 150 days to January 13, 1983.

DATE: The time for submitting written comments in triplicate is hereby extended to receipt on or before January 13, 1983.

ADDRESSES: Comments should be addressed to William M. Otter, Administrator, Wage and Hour Division, Attention: Gordon L. Claucherty, Room S-3030, Frances Perkins Department of Labor Building, 200 Constitution Avenue, NW., Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT: Gordon L. Claucherty, Wage and Hour Division, Room S-3030, Frances Perkins Department of Labor Building, 200 Constitution Avenue, NW., Washington, D.C. 20210, telephone 202-523-7478.

SUPPLEMENTARY INFORMATION: During this comment period, the Wage and Hour Division will solicit the views of and engage in further discussions with interested parties, including business groups, labor organizations, child development and parent organizations, educators, and appropriate officials of federal, state, and local government.

The discussions will pertain to the need to update Child Labor Regulation 3 and to the relationship of both the current regulation and any proposed changes to other relevant factors, such as:

- (1) The need for safe and healthy employment opportunities for 14- and 15-year-olds;
- (2) the educational needs of these teenagers;
- (3) the relationship of employment opportunities for these teenagers to their personal development; and
- (4) the effect of any specific change in the current regulation on the employment opportunities of workers other than these teenagers.

At the close of the comment period, the Wage and Hour Division plans to publish a new proposed revision of Child Labor Regulation 3 which would supercede the proposal published July 16, 1982.

Signed at Washington, D.C., this 3rd day of August 1982.

William M. Otter,
Administrator, Wage and Hour Division.

[FR Doc. 82-21369 Filed 8-5-82; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 611

[Docket Nos. 2706-121 and 2706-122]

Foreign Fishing

Correction

In FR Doc. 82-21078 appearing on page 33722 in the issue for Wednesday, August 4, 1982, third column, third line under **DATES:** "August 15, 1982." should read "August 19, 1982."

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50 CFR Part 674

[Docket No. 2708-124]

High Seas Salmon Fishery off Alaska

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

ACTION: Proposed modification of rule.

SUMMARY: NOAA proposes to modify a rule implementing the Fishery Management Plan for the High Seas Salmon Fishery off the Coast of Alaska East of 175 Degrees East Longitude. The rule is necessary to clarify the authority of the Director, Alaska Region, National Marine Fisheries Service, NOAA, to limit the harvest of chinook salmon to the appropriate level within the optimum yield range. The Regional Director would be able to prohibit fishing for any or all species of salmon in all or part of the management area by publishing a notice of closure.

DATE: Comments on the proposed rule must be submitted on or before September 20, 1982.

ADDRESS: Comments should be addressed to Robert W. McVey, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802.

FOR FURTHER INFORMATION CONTACT: Robert McVey, 907-586-7221.

SUPPLEMENTARY INFORMATION: The Fishery Management Plan for the High Seas Salmon Fishery off the Coast of Alaska East of 175 Degrees East Longitude (FMP) governs this fishery in the fishery conservation zone (FCZ)

under the Magnuson Fishery Conservation and Management Act (Magnuson Act). The FMP provides for inseason adjustments by field order to season and area openings and closures. Implementing rules at 50 CFR 674.23 specify the procedures and criteria for issuance of field orders by the Secretary of Commerce and NOAA.

As currently stated in 50 CFR 674.23(a)(2), one criterion for issuance of a field order is as follows:

Following consultation with ADF&G [Alaska Department of Fish and Game, the Secretary shall prohibit fishing for one or more species of salmon in all or part of the management area if such prohibition is necessary to prevent the total harvest of any species of salmon for the year from exceeding the maximum amount of the optimum yield for that species that is specified in the FMP.

This provision was promulgated in 1981 (46 FR 57299, November 23, 1981; 46 FR 33042, June 26, 1981) to ensure that the upper end of the optimum yield (OY) range for chinook salmon—272,000 fish—was a ceiling on the harvest of that species. The provision made it mandatory for the Regional Director to prohibit fishing if necessary to prevent the chinook salmon harvest from exceeding the maximum OY value.

In previous years, the chinook salmon OY had not been applied as an absolute limit on the harvest of that species, and in fact, the chinook harvest substantially exceeded the maximum of the OY range in 1979. The North Pacific Fishery Management Council (Council) and NOAA concluded that allowing the OY to be exceeded in that manner was contrary to conservation requirements for chinook salmon. The Council and NOAA do not, however, intend that the OY range for any species of salmon harvested in Southeast Alaska other than chinook salmon be treated as a harvest ceiling or quota. Chinook salmon is presently the only salmon species harvested in the Southeast Alaska salmon fisheries for which a single harvest guideline or quota for the combined catch from all commercial fisheries and gear types is utilized as a conservation and management mechanism. Coho, pink, sockeye, and chum salmon are all managed to prevent overfishing and to achieve adequate spawning escapement by means of inseason modifications to time and area limitations according to the authority and criteria in § 674.23(a)(1).

Some members of the public have interpreted 50 CFR 674.23(a)(2) to limit the authority of the Regional Director to prohibit fishing solely to situations in which this was necessary to prevent the harvest from exceeding the upper end of

the OY range. The regulation was not intended to have this effect. Although the Regional Director is required to prohibit fishing to prevent the chinook harvest from exceeding the upper end of the OY range, the Council intends that the Regional Director have the discretion to modify season dates to achieve any specific harvest level within the OY range that he determines to be necessary for conservation and management of chinook salmon. In other words, while the chinook salmon harvest may not exceed the OY range, it may be managed to fall anywhere within that range.

The discretion to manage for any harvest level within the OY range is inherent in the specification of OY for chinook in the FMP. Had the FMP intended that the harvest of chinook salmon could be curtailed only to prevent exceeding the maximum OY value, as some suggest, the OY presumably would have been specified as a single number. This was not done. Instead, the FMP was approved by the Council and NOAA with OY stated as a range, indicating that the desired harvest level could be anywhere within that range. Indicative of the Council's and NOAA's intent in this regard is the decision to manage the 1982 chinook salmon fishery for a harvest of 255,500 fish, roughly the midpoint of the OY range of 243,000-272,000 fish (See 47 FR 20830, May 14, 1982, for an explanation of the basis for this decision). In making this decision, the Council indicated its belief that this harvest level of 255,500 chinook is within the purview of the previous decision to establish the OY range at 243,000-272,000 fish, and that no amendment to the FMP is needed.

Therefore, NOAA proposes to modify the language in § 674.23(a)(2) to clarify the authority of the Regional Director to manage the chinook salmon fishery for a harvest level anywhere within the OY range. This criterion supplements those in § 674.23(a)(1), which also authorizes inseason management actions through field orders. The language of § 674.23(a)(2) would also be modified to clarify that OY ranges for the other species of salmon will not be treated as quotas.

Classification

The Assistant Administrator has determined that this proposed rule is necessary and appropriate for the conservation and management of

salmon resources in the FCZ off Alaska, and that the action is consistent with the national standards of the Magnuson Act, other provisions of the Magnuson Act, and other applicable law.

An environmental impact statement is not required under the National Environmental Policy Act because the proposal is within the scope of the actions considered in the final environmental impact statements for the FMP and both Amendments Numbers 1 and 2, which are on file with EPA.

A Regulatory Impact Review (RIR)/Regulatory Flexibility Analysis (RFA) was prepared on Amendment 2 to the FMP which established the current chinook OY range of 243,000-272,000. This document may be obtained from the Regional Director at the above address. The RIR/RFA considered alternatives to the OY, including harvest levels ranging from 200,000-320,000, and specifically analyzed a harvest level of 256,000. Therefore, that RIR covers this proposed regulation, which allows the Regional Director to fix the harvest level at any value from 243,000 to 272,000 fish. The socioeconomic analysis in the RIR/RFA was based upon an average 1980 ex-vessel price of \$2.25 per pound for chinook salmon. Current 1982 early season prices for chinook are generally at or around \$2.75 per pound, with the average 1982 ex-vessel price expected to occur within the range of \$2.60 to \$3.00 per pound. Based on these price projections, the nominal ex-vessel impact of a 12,500 fish reduction in the chinook salmon troll landings (assuming average chinook weighs 16 pounds) from the 1981 catch level is expected to range between \$520,000 and \$800,000. This represents slightly less than 5 percent of the total ex-vessel value of the 1982 chinook salmon harvest guideline of 255,500 fish. Therefore, the Administrator of NOAA has determined that this proposed rulemaking is not a "major rule" requiring a regulatory impact analysis under criteria specified in Executive Order 12291.

The RIR/RFA prepared on Amendment 2 also covers these regulations for purposes of the Regulatory Flexibility Act. Assuming the 12,500 chinook salmon catch reduction was evenly distributed throughout the troll fleet, 965 power trollers (to whom permits have been issued thus far in 1982) would incur a nominal gross economic loss of between \$465 and \$537 per troller, (calculated with the

assumption that the power trollers will take 86.3 percent of the catch as they did in 1981), while 2,137 hand trollers (to whom permits have been issued thus far in 1982) would incur a nominal gross ex-vessel reduction in earnings of between \$33 and \$38 per troller (assumption that hand trollers will take 13.7 percent of the catch as they did in 1981).

This proposed rule neither contains a collection of information requirement nor involves any agency in collecting or sponsoring a collection of information within the meaning of the Paperwork Reduction Act of 1980.

List of Subjects in 50 CFR Part 674

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

Dated: August 2, 1982.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR Part 674 is proposed to be amended as follows:

PART 674—HIGH SEAS SALMON FISHERY OFF ALASKA

1. The authority citation for Part 674 reads as follows:

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

2. In § 674.23, paragraph (a)(2) is revised to read as follows:

§ 674.23 Modifications of time and area limitations.

(a) * * *

(1) * * *

(2) Following consultation with ADF&G, the Secretary shall prohibit fishing for any or all species of salmon in all or part of the management area if such a prohibition is necessary to prevent the total harvest of chinook salmon for the fishing season from exceeding either the maximum amount of the optimum yield or any other value within the optimum yield range for chinook salmon that the Secretary determines to be necessary for the conservation and management of chinook salmon. The Secretary will do this by issuing a field order in accordance with paragraph (b) of this section.

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