

Subpart D—The U.S. Virgin Islands**§ 69.41 New exemptions.**

(a) Pursuant to section 325(a) of the Clean Air Act and a petition submitted by the Governor of the Virgin Islands, the Administrator conditionally exempts certain units from certain CAA requirements.

(b) An exemption of the prohibition, under section 123 of the Clean Air Act, on reliance upon the use of ICS of fuel switching in an implementation plan is granted for the Hess Oil Virgin Islands (HOVIC) refinery on St. Croix with the following conditions:

(1) The switch to a lower sulfur fuel (0.5%) will take place when:

(i) The winds blow from a 45 degree sector defined as 143 to 187 degrees inclusive, where zero degrees is due north, for at least 6 consecutive hours during a 24-hour block period or any 12 non-consecutive hours during a 24 hour block period, or:

(ii) One of HOVIC's ICS monitors measures an average ambient SO₂ concentration that is 75% of the 24-hour NAAQS during any rolling 24-hour average. (75% of the 24-hour NAAQS = 274 ug/m³ or 0.105 ppm).

(2) The switch back to the higher sulfur fuel (1.0%) may occur under one of the following three conditions:

(i) If the ICS was triggered by paragraph (b)(1)(i) of this section, the switch back may occur when the winds blow outside the sector listed in paragraph (b)(1)(i) of this section for at least 3 consecutive hours following the period during which the winds were blowing inside the sector, or

(ii) If the ICS was triggered by paragraph (b)(1)(ii) of this section, the switch back may occur after all of HOVIC's ICS ambient monitors measure a 24-hour average concentration which is less than 75% of the NAAQS for at least one 24-hour block period following any occurrence when the monitor measured the concentration which was 75% of the NAAQS, or

(iii) If the ICS was triggered by both paragraph (b)(1)(i) and paragraph (b)(1)(ii) of this section, the switch back may occur when both of the conditions in paragraph (b)(2)(i) of this section and paragraph (b)(2)(ii) of this section.

(3) The protocol may be modified by EPA to protect against exceedances of the sulfur dioxide NAAQS.

(4) In the event that there is an exceedance of the NAAQS, HOVIC will report the exceedance to EPA and recommend corrective action as well as amendments to the protocol to ensure the protection of the NAAQS.

(5) HOVIC must comply with all fuel switching requirements, contained in HOVIC's PSD permit.

(6) This exemption shall take effect only in the event that a final PSD permit modification becomes effective.

(7) The Administrator may terminate the exemption through rulemaking procedures upon determining that HOVIC's use of the ICS is significantly causing or contributing to an exceedance of the NAAQS.

[FR Doc. 97-15091 Filed 6-9-97; 8:45 am]

BILLING CODE 6560-50-M

**GENERAL SERVICES
ADMINISTRATION****41 CFR Part 101-6**

RIN 3090-AG49

**Federal Advisory Committee
Management**

AGENCY: General Services Administration.

ACTION: Advance Notice of Proposed Rulemaking.

SUMMARY: The General Services Administration (GSA) is beginning the process of revising its regulations which implement its responsibilities under the Federal Advisory Committee Act ("FACA", or "the Act"), as amended (Pub. L. 92-463, 5 U.S.C., App.), and Executive Order 12024, December 1, 1977. These regulations have not been revised since 1989 and have become outdated as a result of significant decisions issued by the Supreme Court and other Federal Courts. In addition, the revised issuance is expected to provide more comprehensive and effective guidance for agency personnel in their attempts to involve the public in Federal decisionmaking consistent with the principles contained in the Act.

DATES: Written comments must be received on or before July 10, 1997.

ADDRESSES: Comments should be submitted to the Committee Management Secretariat at the following address: General Services Administration, Office of Governmentwide Policy, Room 5228—MC, 1800 F St., NW., Washington, DC 20405. Attention: FACA Regulations.

Comments may also be provided by facsimile on (202) 273-3559, or via the Internet to vincent.vukelich@gsa.gov.

FOR FURTHER INFORMATION CONTACT: Mr. Vincent Vukelich, Committee Management Secretariat at (202) 273-3558.

SUPPLEMENTARY INFORMATION: GSA anticipates the new regulatory guidance will consist of two parts:

(1) The first section will address FACA's statutory requirements and policy provisions, and will likely resemble the current regulation.

(2) The second section will be in the nature of guidance which will address issues and situations that elaborate on the Act's policy provisions and illustrate how the scope and applicability of FACA apply in different situations. Where necessary, this section will relate FACA's requirements to other statutes and policy documents.

Background

FACA governs the use of covered advisory committees within the Executive Branch and establishes basic procedures to control the number and costs of these committees. At the same time, the Act provides mechanisms which assure public access to advisory committee meetings and documents. The basic policy objective contained in the Act is one that favors open decisionmaking by the Federal government when using advisory committees.

The openness provisions of FACA are evident, but the definition of what constitutes a "Federal advisory committee" is fairly broad. The United States Supreme Court noted that "read unqualifiedly," FACA's requirements would "extend to any group of two or more persons, or at least any formal organization, from which the President or an Executive agency seeks advice." *Public Citizen v. Department of Justice*, 491 U.S. 440, 452 (1989). The Supreme Court rejected such an unqualified interpretation. GSA's objective in revising the regulations is to provide appropriate guidance for agencies in establishing and operating advisory committees under the Act, while substantially clarifying which interactions with persons who are not "full-time officers or employees" of the Federal government are or are not subject to the requirements of the Act.

Many of the difficult questions under the Act arise when a Federal agency seeks to involve the public in the decisionmaking process pursuant to laws which require or encourage public involvement but does not intend to establish a committee covered by the Act. In many cases, there is no clear answer to when a public involvement strategy or situation may "trigger" the formal requirements regarding advisory committees under the Act. This uncertainty can lead to inconsistent approaches by different agencies, or by different segments of the same agency,

in their dealings with the public. The result may therefore be a perception among some groups that the broad scope of FACA actually hinders public involvement in Federal decisionmaking.

Issues Likely To Be Addressed

The following is a partial list of some of the issues likely to be addressed in the revision. This list is not meant to limit the scope of the comments to GSA.

Scope and Applicability

- Review applicability of Act to pre-existing groups.
- Revise definition of "utilize" which currently appears in the regulations at 41 CFR 101-6.1003.
- Provide additional guidance on committees which perform primarily operational as opposed to advisory functions as currently defined at 41 CFR 101-6.1004(g).
- Explain exclusions from the Act's coverage, including new provisions based on section 204(b) of the Unfunded Mandates Act, Public Law 104-4, relating to State, local and tribal government representatives.

Status of Individuals

- Provide definition of "full-time Federal employee" under the Act.
- Clarify status of consultants to advisory committees.

Consensus

- Update and expand references to "consensus" advice as a factor in determining the Act's coverage to specific groups or meetings.

Establishment and Operation of Federal Advisory Committee

- Revise procedures for establishment, re-establishment, or renewal of advisory committees.
- Review elements of "balance" for committee membership.
- Expand discussion for closing an advisory committee meeting under the Government in the Sunshine Act and other relevant statutes.

Nature of Comments Sought by GSA

All comments about the proposed revision of the regulations are welcome. Suggested issues to address, specific recommendations about changes needed in the current regulations, and reaction to the concept of a non-regulatory guidance section are especially relevant. In addition, examples of situations where FACA was either a useful tool or a hindrance to public involvement will be helpful in providing specific guidance most useful to Federal agencies.

Comments will be available for examination at the Committee Management Secretariat office.

Dated: June 4, 1997.

G. Martin Wagner,

Associate Administrator, Office of Governmentwide Policy.

[FR Doc. 97-15070 Filed 6-9-97; 8:45 am]

BILLING CODE 6820-34-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[I.D. 053097G]

New England Fishery Management Council; Public Meeting

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

ACTION: Public meeting.

SUMMARY: The New England Fishery Management Council (Council) will hold a special meeting to consider actions affecting New England fisheries in the exclusive economic zone.

DATES: The meeting will be held on Wednesday, June 18, 1997, at 9 a.m.

ADDRESSES: The meeting will take place at the King's Grant Inn, Route 128 and Trask Lane, Danvers, MA. Requests for special accommodations should be addressed to the New England Fishery Management Council, 5 Broadway, Saugus, MA 01906-1036; telephone: (617) 231-0422.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New England Fishery Management Council, (617) 231-0422.

SUPPLEMENTARY INFORMATION: The special Council meeting will begin with agenda items concerning groundfish management. Initial action (first meeting) on a proposed framework adjustment to the Northeast Multispecies Fishery Management Plan (FMP) to modify the Gulf of Maine cod trip limit to account for overages will be discussed. Measures may: (1) Require vessels fishing under the trip limit to call a (cod hailing) telephone number upon off-loading and also at least once every 14 days, and (2) for vessels with landings exceeding the trip limit, allow resumption of fishing only when the days-at-sea (DAS) for that trip equate to their cod landings. A measure to change the cod trip limit exemption line located east of 68° W. long. from 42° to 42°20' N. lat. would also be included in the

framework adjustment. Initial action may be taken on an additional framework adjustment that would allow vessels to carry over a maximum of 10 DAS to a following fishing year.

The Council plans to discuss and approve an alternative stock rebuilding schedule for monkfish (proposed Amendment 9 to the FMP would bring monkfish under Federal management authority). Public hearings will then be held in conjunction with New England and Mid-Atlantic Fishery Management Council meetings in July 1997; accordingly, the Council will revise the fishing mortality reduction schedule and stock rebuilding plan in proposed Amendment 9 to the FMP, based on the comments received.

There will be a final review of the draft public hearing document for Amendment 7 to the Atlantic Sea Scallop Fishery Management Plan. Amendment 7 would allow scallop permit holders to consolidate their DAS. The discussion will include consideration of several options to accomplish the DAS transfer.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard (see ADDRESSES) at least 5 days prior to the meeting date.

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

Dated: June 4, 1997.

Bruce Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 97-15077 Filed 6-9-97; 8:45 am]

BILLING CODE 3510-22-F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[I.D. 053097E]

Fisheries off West Coast States and in the Western Pacific; Northern Anchovy Fishery; Public Meeting

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

ACTION: Announcement of Advisory Subpanel Meeting and Status of the Northern Anchovy Fishery.

SUMMARY: The Pacific Fishery Management Council's (Council) Coastal Pelagics Advisory Subpanel will meet with representatives of the Coastal