requirement for a 75-day comment period for a proposed technical regulation found in Executive Order 12889, ''Implementation of the North American Free Trade Agreement,'' does not apply to this proposed rule. In addition, this proposal addresses only the narrow issue of the method FDA will use to verify that foods bearing a soy protein health claim contain the required amount of soy protein. Moreover, under section 403(r)(4)(A)(i) of the act, if the agency issues a proposed regulation on a health claim petition, the agency is to complete the rulemaking within 540 days of the date the agency receives the petition (see also § 101.70(j)(4)(ii)). Therefore, FDA finds that there is good cause under 21 CFR 10.40(b)(2) to provide 30 days, rather than 60 days, for public comment on this proposed rule.

VIII. References

The following references have been placed on display in the Dockets Management Branch (address above) and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

1. Protein Technologies International, Inc., ''Health Claim Petition,'' May 4, 1998 [CP1, vol. 1–3]

2. Protein Technologies International, Inc., ''Addendum to Health Claim Petition,'' August 10, 1998 [CP1, vol. 4]

3. Crimes, A. A., F. J. Bailey, and C. H. S. Hitchcock, ''Determination of Foreign Proteins in Meat Products,'' *Analytical Proceedings*, 18:164–166, 1981.

4. Hitchcock, C. H. S., F. J. Bailey, A. A. Crimes, D. A. G. Dean, and P. J. Davis, ''Determination of Soya Proteins in Food Using an Enzyme-linked Immunosorbent Assay Procedure,'' *Journal of the Science of Food and Agriculture*, 32:157–165, 1981.

5. Griffith, N. M., M. J. Billington, A. A. Crimes, and C. H. S. Hitchcock, ''An Assessment of Commercially Available Reagents for an Enzyme-linked Immunosorbent Assay (ELIZA) of Soy Protein in Meat Products,'' *Journal of the Science of Food and Agriculture*, 35:1255–1260, 1984.

6. Olsman, W. J., S. Dobbelaero, and C. H. S. Hitchcock, ''The Performance of an SDS–PAGE and ELISA Method for the Quantitative Analysis of Soya Protein in Meat Products, an International Collaborative Study,'' *Journal of the Science of Food and Agriculture*, 36:499–507, 1985.

7. McNeal, F. E., ''Semiquantitative Enzyme-linked Immunosorbent Assay of Soy Protein in Meat Products: Summary of Collaborative Study,'' *Journal of the Association of Official Analytical Chemists*, 71(2):443, 1988.

8. Yasumoto, K, M. Sudo, and T. Suzuki, ''Quantitation of Soya Protein by Enzyme-linked Immunosorbent Assay of its Characteristic Protein,'' *Journal of the Science of Food and Agriculture*, 50:377–389, 1990.

List of Subjects in 21 CFR Part 101

Food labeling, Incorporation by reference, Nutrition, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, it is proposed that 21 CFR part 101 be amended as follows:

PART 101—FOOD LABELING

1. The authority citation for 21 CFR part 101 continues to read as follows:

Authority: 15 U.S.C. 1453, 1454, 1455; 21 U.S.C. 321, 331, 342, 343, 348, 371.

2. In § 101.82, as proposed to be added at 63 FR 62977 at 62997, November 10, 1998, revise paragraph (c)(2)(ii)(B) to read as follows:

§ 101.82 Health claims: Soy protein and risk of coronary heart disease (CHD).

* * * * *

(c) * * *

(2) * * *

(ii) * * *

(B) FDA will assess qualifying levels of soy protein in the following fashion: FDA will measure total protein content by the appropriate method of analysis given in the ''Official Methods of Analysis of the AOAC International,'' as described at 21 CFR 101.9(c)(7). Interested persons can obtain copies of the ''Official Methods of Analysis of the AOAC International'' from the Association of Official Analytical Chemists, 481 North Frederick Ave., suite 500, Gaithersburg, MD 20877–2504, or may examine copies at the Center for Food Safety and Applied Nutrition's Library, 200 C St. SW., rm. 3321, Washington, DC, or at the Office of the Federal Register, 800 North Capitol St. NW., suite 700, Washington, DC. For products that contain no sources of protein other than soy, FDA will consider the amount of soy protein as equivalent to the total protein content. For products that contain a source or sources of protein in addition to soy, FDA will, using the measurement of total protein content, calculate the soy protein content based on the ratio of soy protein ingredients to total protein ingredients in the product. FDA will base its calculation of the ratio of soy protein ingredients to total protein ingredients on manufacturers' information such as nutrient data bases or analyses, recipes or formulations, purchase orders for ingredients, or other reasonable bases. Manufacturers must maintain records that permit such calculations for as long as the products are marketed. Manufacturers must make these records available for authorized inspection and copying by appropriate regulatory officials and manufacturers must submit these records to those regulatory officials upon request.

* * * * *

Dated: August 16, 1999.

Margaret M. Dotzel,

Acting Associate Commissioner for Policy.

[FR Doc. 99–21852 Filed 8–19–99; 10:15 am]

BILLING CODE 4160–01–F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[PA118–4080b; FRL–6425–9]

Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants, Pennsylvania; Large Municipal Waste Combustors (MWCs)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to conditionally approve the municipal waste combustor (MWC) 111(d)/129 plan submitted by the Pennsylvania Department of Environmental Protection, Bureau of Air Quality, on April 27, 1998, and amended on September 8, 1998. In the final rules section of the **Federal Register**, EPA is conditionally approving the plan. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this rule, no further activity is contemplated in relation to this rule. If EPA receives relevant adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this document. Any parties interested in commenting on this document should do so at this time.

DATES: Comments must be received in writing by September 22, 1999.

ADDRESSES: Comments may be mailed to Makeba A. Morris, Chief, Technical Assessment Branch, Mailcode 3AP22, Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

FOR FURTHER INFORMATION CONTACT: James B. Topsale at (215) 814–2190, or by e-mail at topsale.jim@epamail.gov.

SUPPLEMENTARY INFORMATION: See the information provided in the direct final rule which is located in the rules section of the **Federal Register**.

Authority: 42 U.S.C. 7401–7642.

Dated: August 4, 1999.

W. Michael McCabe,

Regional Administrator, EPA.

[FR Doc. 99–21659 Filed 8–20–99; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 990713190–9190–01; I.D. 041599B]

RIN 0648–AH63

Fisheries of the Northeastern United States; Amendment 1 to the Fishery Management Plan for the Atlantic Bluefish Fishery

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes regulations to implement Amendment 1 (Amendment 1) to the Fishery Management Plan for the Atlantic Bluefish Fishery (FMP). This proposed rule would: Implement permit and reporting requirements for commercial bluefish vessels, dealers, and party/charter boats; implement permit requirements for bluefish vessel operators; define a Bluefish Monitoring Committee (Committee) that would annually recommend the Mid-Atlantic Fishery Management Council (Council) and the Atlantic States Marine Fisheries Commission (Commission) the total allowable level of landings (TAL) and other restrictions necessary to achieve the target fishing mortality rates (F) specified in the FMP; establish a framework adjustment process; establish a 9-year stock rebuilding schedule; establish a commercial quota with allocations to states; and establish a recreational harvest limit. Amendment 1 also addresses the new requirements of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), as amended by the Sustainable Fisheries Act (SFA). Two primary examples of these requirements are establishing a rebuilding plan to rebuild the bluefish stock from an overfished condition and describing and identifying essential fish habitat (EFH) for bluefish. The purpose of this rule is to control fishing mortality of bluefish and rebuild the stock.

DATES: Comments must be received on or before October 7, 1999.

ADDRESSES: Comments on this proposed rule should be sent to Patricia A. Kurkul, Regional Administrator, NMFS, Northeast Regional Office, 1 Blackburn Drive, Gloucester, MA 01930. Mark the outside of the envelope: ''Comments on Bluefish Plan Proposed Regulations.''

Comments on the collection-of-information requirements that would be established by this proposed rule should be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 (Attention: NOAA Desk Officer) and to NMFS (See **ADDRESSES**).

Copies of Amendment 1, its Regulatory Impact Review (RIR)/Initial Regulatory Flexibility Analysis (IRFA) and the Final Environmental Impact Statement (FEIS) are available from Daniel T. Furlong, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 South New Street, Dover, DE 19901–6790.

FOR FURTHER INFORMATION CONTACT: Myles Raizin, Fishery Policy Analyst, 978–281–9104.

SUPPLEMENTARY INFORMATION:

Background

The FMP was adopted by the Council and the Commission in October 1989 and approved by NMFS in March 1990. In 1996, the Council and the Commission began development of Amendment 1 to address the need to broaden the suite of management measures that could be used to reduce bluefish fishing mortality.

The enactment of the SFA in October 1996 further prompted the Council to take action to end overfishing on the bluefish stocks. The 23rd Northeast Stock Assessment Workshop, held in 1997, concluded that the Atlantic bluefish stock was at a low level of abundance and was overexploited. NMFS declared the bluefish stock to be overfished in its 1997 and 1998 Reports to Congress on the Status of Fisheries in the United States.

NMFS published a notice of availability for Amendment 1 in the **Federal Register** on April 30, 1999. The public comment period ended June 29, 1999. All comments received through June 29, 1999, were considered in the approval/disapproval decision on Amendment 1. Amendment 1 was partially approved by NMFS on behalf of the Secretary of Commerce on July 29, 1999. NMFS disapproved the *de minimis* provision related to state allocations of the commercial quota, the description and analysis of fishing communities, and the portion of the EFH section assessing the effects of fishing gear on bluefish EFH. Copies of Amendment 1 are available from the Council upon request (see **ADDRESSES**).

Overfishing Definition and Rebuilding Schedule

Amendment 1 revises the definitions of overfishing and overfished in the FMP to include an F and biomass (B) component, respectively. Overfishing is defined as occurring when F is greater than the maximum F threshold, specified as F_{msy} = 0.4; and the bluefish stock will be considered overfished when biomass is less than the minimum biomass threshold, specified as $1/2B_{msy}$ = 118.5 million (mil) lb (53,750 mt). The long-term F target would be 90 percent of F_{msy} and the long-term B target would be B_{msy}. The Council plans in Amendment 1 to rebuild the bluefish stock to B_{msy} over a 9-year period. In the first 2 years of rebuilding, F would remain at the current level, F=0.51, in years 3 through 5 it would be reduced to F=0.41, and in years 6 through 9 it would be reduced to F=0.31. Once rebuilding is achieved, F will be set at F=0.36, and continue to be that value as long as the stock is not overfished.

Annual Adjustment Process and Committee

This rule would define the composition of a Bluefish Monitoring Committee as staff representatives from the Mid-Atlantic, New England, and South Atlantic Fishery Management Councils, the NMFS Northeast Regional Office, the NMFS Northeast Fisheries Science Center, and the Commission. The Committee would review annually the best available data and recommend to the Council and the Commission commercial (annual quota, minimum fish size, and minimum mesh size) and recreational (possession and size limits, and seasonal closures) measures designed to assure that the target F for bluefish for that given year is not exceeded.

EFH for Bluefish

Section 2.2.2.2 of Amendment 1 describes and identifies EFH for bluefish with large areas of oceanic waters identified as EFH for eggs and larvae, and major estuaries from Maine through Florida identified as EFH for juveniles (generally North Atlantic estuaries from June through October, Mid-Atlantic estuaries from May through October, and South Atlantic estuaries from March through December). For adults, EFH in estuaries is similar to that of juveniles on a seasonal basis, and over a wide area of the continental shelf throughout the