

Management Plan for Highly Migratory Species, currently under review would affect catch limits and gear restrictions in several permit categories. Also, final category quotas will affect fishing opportunities available to each category. Additionally, NMFS plans to issue a proposed rule regarding the use of spotter aircraft in the bluefin tuna fishery with the intent to have final action effective for the 1999 fishing year. NMFS received comment that because current regulations require a vessel owner to obtain a permit in the appropriate gear category and allow changes to permit categories only prior to May 15 each calendar year, it would be impossible to make a rational choice of permit category in 1999 until final rules and quota specifications are issued.

This interim final rule suspends indefinitely the deadline to change Atlantic tunas permit categories for calendar year 1999. This regulatory change will allow vessel owners to weigh any impacts of the final rules, when issued, on the operations and restrictions for each permit category. By allowing vessel owners to choose the most appropriate category, this measure will further the domestic management objectives for the Atlantic tuna fisheries.

NMFS is undertaking this action as an interim final rule because of the immediate need to postpone the deadline. This interim action will be superseded when a deadline for 1999 is specified in a final rule to be published at a later date.

Under NOAA Administrative Order 205-11, 7.01, dated December 17, 1990, the Under Secretary for Oceans and Atmosphere has delegated authority to sign material for publication in the **Federal Register** to the Assistant Administrator for Fisheries, NOAA (AA).

Classification

This interim final rule is published under the authority of the ATCA, 16 U.S.C. 971 *et seq.* The AA has determined that these regulations are necessary to implement the recommendations of ICCAT and are necessary for management of the Atlantic tuna fisheries.

Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act (PRA) unless that collection of information displays a currently valid OMB control number.

This rule involves a collection of information requirement subject to the

PRA and approved by OMB under control number 0648-0327. The burden associated with Atlantic tunas vessel permits is estimated at 30 minutes per initial permit application and 6 minutes per renewal.

Public comment is sought regarding whether this collection-of-information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; the accuracy of the burden estimates; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collection of information, including the use of automated collection techniques or other forms of information technology. Send comments on these or any other aspects of the collection of information to NMFS, Highly Migratory Species Management Division and OMB (see ADDRESSES).

This interim final rule has been determined to be not significant for purposes of E.O. 12866.

NMFS has determined that, under 5 U.S.C. 553(b)(B), there is good cause to waive the requirement for prior notice and an opportunity for public comment on this rule as such procedures would be contrary to the public interest. NMFS has underway rulemakings on this, and other, tuna fishery management issues. Specifically, NMFS published a proposed rule on January 20, 1999, seeking public comment on a variety of tuna issues. Additionally, NMFS published proposed quota specifications on February 25, 1999, seeking public comment on fishing category allocations. However, while the process for these actions remains ongoing, NMFS has received comment that a postponement for 1999 in the deadline to choose a permit category is necessary to allow the public an opportunity to assess the impacts of the pending final rules and specifications. As such, given the public interest in affording vessel owners to make a reasoned decision as to fishing category and the fact that NMFS has already received public comment on the subject matter of this rule, further delay in the implementation of this action to provide an opportunity for additional comment is contrary to the public interest.

Further, under 5 U.S.C. 553(d)(1), because this rule relieves a restriction, it is not subject to a 30-day delay in effective date. NMFS has the ability to rapidly communicate the extension of the deadline to fishery participants through its FAX network and HMS Information Line.

This interim final rule is exempt from the Regulatory Flexibility Act because it

was not subject to prior notice and opportunity for public comment.

List of Subjects in 50 CFR Part 285

Fisheries, Fishing, Penalties, Reporting and recordkeeping requirements, Treaties.

Dated: May 13, 1999.

Penelope D. Dalton,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 285, is amended as follows:

PART 285—ATLANTIC TUNA FISHERIES

1. The authority citation for part 285 continues to read as follows:

Authority: 16 U.S.C. 971 *et seq.*

2. In § 285.21, paragraph (b)(7) is revised to read as follows:

§ 285.21 Vessel permits.

* * * * *

(b) * * *

(7) Except for purse seine vessels for which a permit has been issued under this section, an owner may change the category of the vessel's Atlantic tunas permit to another category by application on the appropriate form to NMFS or by dialing 1-888-USA-TUNA before the specified deadline. After the deadline, the vessel's permit category may not be changed to another category for the remainder of the calendar year, regardless of any change in the vessel's ownership. In years after 1999, the deadline for category changes is May 15.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 990304063-9063-01; I.D. 051499A]

Fisheries of the Exclusive Economic Zone Off Alaska; Other Nontrawl Fisheries in the Bering Sea and Aleutian Islands

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

ACTION: Closure.

SUMMARY: NMFS is closing directed fishing for each species and species group of groundfish in the other

nontrawl fishery category in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the first seasonal apportionment of the 1999 Pacific halibut bycatch mortality allowance specified for the other nontrawl fishery category in the BSAI.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), May 15, 1999, until 1200 hrs, A.l.t., September 1, 1999.

FOR FURTHER INFORMATION CONTACT: Mary Furuness, 907-586-7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI exclusive economic zone according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) prepared by the North Pacific Fishery Management 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 Final 1999 Harvest Specifications of Groundfish for the BSAI (64 FR

12103, March 11, 1999) established the first seasonal apportionment of the 1999 Pacific halibut bycatch mortality allowance specified for the other nontrawl fishery category, which is defined at § 679.21(e)(4)(ii)(E), as 42 metric tons.

The Administrator, Alaska Region, NMFS, has determined, in accordance with § 679.21(e)(8), that the first seasonal apportionment of the 1999 Pacific halibut bycatch mortality allowance specified for the other nontrawl fishery category in the BSAI has been reached. Therefore, NMFS is closing the directed fishery for each species and species group of groundfish in the other nontrawl fishery category in the BSAI.

Maximum retainable bycatch may be found in the regulations at § 679.20(e).

Classification

This action responds to the best available information recently obtained from the fishery. It must be implemented immediately to prevent exceeding the first seasonal apportionment of the 1999 Pacific

halibut bycatch mortality allowance specified for the other nontrawl fishery category. Providing prior notice and an opportunity for public comment on this action is impracticable and contrary to the public interest. The fleet has taken the allowance. Further delay would only result in the first seasonal apportionment of the 1999 Pacific halibut bycatch mortality allowance specified for the other nontrawl fishery being exceeded. NMFS finds for good cause that the implementation of this action cannot be delayed for 30 days. Accordingly, under U.S.C. 553(d), a delay in the effective date is hereby waived.

This action is required by § 679.21 and is exempt from review under E.O. 12866.

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

Dated: May 14, 1999.

Bruce C. Morehead,

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