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Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[I.D. 062399B]

RIN 0648-AK89

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Amendment 9 to the Fishery Management Plan (FMP) for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic (Amendment 9)

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

ACTION: Notice of availability of Amendment 9 to the FMP for the coastal migratory pelagic resources of the Gulf of Mexico and South Atlantic; request for comments.

SUMMARY: NMFS announces that the Gulf of Mexico and South Atlantic Fishery Management Councils have submitted Amendment 9 to the Fishery Management Plan for Coastal Migratory

Pelagic Resources of the Gulf of Mexico and South Atlantic (FMP) for review, approval, and implementation by NMFS. The purpose of Amendment 9 is to enhance the socioeconomic benefits from the commercial quotas for Gulf group king mackerel and to assure a more equitable distribution of these benefits among fishery participants, to reduce the harvest of immature king mackerel and minimize the possibility of recreational king mackerel fishery allocation overruns, and to increase revenue and decrease waste in the king and Spanish mackerel fisheries. Amendment 9 is made available for public comment.

DATES: Written comments must be received on or before September 7, 1999.

ADDRESSES: Comments must be mailed to Mark Godcharles, Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702.

Requests for copies of Amendment 9, which includes an environmental assessment, a regulatory impact review (RIR), and an initial regulatory flexibility analysis (IRFA), may be obtained from the Gulf of Mexico Fishery Management Council (Gulf of Mexico Council), Suite 1000, 3018 U.S. Highway 301 North, Tampa, FL 33619; Phone: 813-228-2815; Fax: 813-225-7015; E-mail: gulf.council@noaa.gov; or from the South Atlantic Fishery Management Council (South Atlantic Council), Southpark Building, One Southpark Circle, Suite 306, Charleston, SC 29407-4699; Phone: 843-571-4366; Fax: 843-769-4520; E-mail: safmc@noaa.gov.

FOR FURTHER INFORMATION CONTACT:

Mark Godcharles or Steve Branstetter, NMFS, St. Petersburg, FL; Phone: 727-570-5305; Fax: 727-570-5583.

SUPPLEMENTARY INFORMATION: The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requires Regional Fishery Management Councils to submit any proposed FMP or FMP amendment to NMFS for review, approval, and implementation. The Magnuson-Stevens Act also requires that NMFS, upon receiving such FMP or FMP amendment, immediately publish a document in the **Federal Register** stating that the FMP or FMP amendment is available for public review and comment.

Amendment 9 was prepared and submitted by the Gulf of Mexico and South Atlantic Councils. Amendment 9 contains 10 proposed conservation and management measures. For the commercial fisheries for Gulf group king mackerel in the eastern zone (the zone

comprising both coasts of Florida), Amendment 9 proposes seven actions to: (1) Create two new subzones (northern and southern) for the commercial hook-and-line fishery in the Florida west coast subzone; (2) establish separate commercial hook-and-line fishery quotas for the proposed northern and southern subzones in the Florida west coast subzone; (3) reallocate the eastern zone commercial quota between the Florida east and west coast subzones to provide for commercial hook-and-line fishery quotas for the proposed new northern and southern Florida west coast subzones; (4) implement a moratorium on issuing any new gillnet endorsements for commercial vessel king mackerel permits in the run-around gillnet fishery in the proposed southern Florida west coast subzone; (5) establish eligibility criteria to reissue gillnet endorsements for commercial vessel king mackerel permits only to traditional fishermen in the run-around gillnet fishery in the proposed southern Florida west coast subzone; (6) restrict the transfer of gillnet endorsements for commercial vessel king mackerel permits in the run-around gillnet fishery in the proposed southern Florida west coast subzone only to the family members of vessel owners; and (7) restrict the operational area for vessels harvesting king mackerel under the run-around gillnet quota to the proposed southern Florida west coast subzone.

Amendment 9 also proposes three additional actions to: (1) Establish a 3,000-lb (1,361-kg) daily trip limit for the commercial vessels harvesting Gulf group king mackerel under the quota for the western zone (Texas through Alabama); (2) increase the minimum size limit from 20 inches to 24 inches (50.8 to 61.0 cm) fork length for both the Gulf and Atlantic groups of king mackerel; and (3) allow the sale of cut-off (damaged) fish from both the Gulf and Atlantic groups of king and Spanish mackerel as long as the cut-off fish meet or exceed the appropriate minimum size limit and are possessed within the established commercial trip limits.

The specific proposed management measures, their supporting rationale, and analyses of potential impacts are contained in Amendment 9. Amendment 9 is intended to enhance the socioeconomic benefits from the commercial quotas for Gulf group king mackerel and to assure a more equitable distribution of these benefits among fishery participants. Measures proposed for fisheries in the eastern zone would equitably distribute the quota among participants using hook-and-line gear and prevent expansion of the run-around gillnet sector while the Gulf of

Mexico and South Atlantic Councils consider future management strategies. The proposal to establish a trip limit for the western zone is expected to prevent derby fishing, extend the harvest season, and increase the exvessel value of the catch. Proposals to increase king mackerel minimum size limits would reduce harvest of immature fish and the likelihood of overrunning recreational fishery allocations. The proposed measures regarding the possession and sale of cut-off (damaged) king and Spanish mackerel would increase fishery revenue, decrease wastage, and improve the accuracy of fishing mortality estimates.

Availability of and Opportunity to Comment on Amendment 9

NMFS has prepared a proposed rule to implement Amendment 9. In accordance with the Magnuson-Stevens Act, NMFS is evaluating the proposed rule to determine if it is consistent with Amendment 9, the Magnuson-Stevens Act, and other applicable law. If that determination is affirmative, NMFS will publish a proposed rule in the **Federal Register** for public review and comment.

NMFS will consider comments received by September 7, 1999, whether specifically directed to Amendment 9 or

its proposed rule in its decision to approve, disapprove, or partially approve Amendment 9. NMFS will not consider comments received after that date in this decision. NMFS will address all comments received on Amendment 9 or on its proposed rule during their respective comment periods in the preamble of the final rule.

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

Dated: June 29, 1999.

Bruce C. Morehead,

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