

management measures are modified as follows:

1. In section IV, under B. *Limited Entry Fishery*, paragraph B.(6)(d)(ii)(A) is revised to read as follows:

B. Limited Entry Fishery

* * * * *

(6) * * *

(d) * * *

(ii) * * *

(A) *North of 36° N. lat.* The daily trip limit, which applies to sablefish of any size, is in effect north of 36° N. lat. until the closed periods before or after the regular season as specified at 50 CFR 660.323(a)(2), between the end of the regular season and the beginning of the mop-up season, and after the mop-up season. The daily trip limit for sablefish taken and retained with nontrawl gear north of 36°00' N. lat. is 300 lb (136 kg), which counts toward a cumulative trip limit of 4,200 lb (1,905 kg) per 2-month period (July 1 through August 31, 1999) except during the regular season. The 2-month periods in 1999 are: January 1–February 28, March 1–April 30, May 1–June 30, and July 1–August 31. Beginning September 1, the cumulative trip limit is converted from 2-month periods to 1-month periods, and the daily trip limit for sablefish taken and retained with nontrawl gear north of 36°00' N. lat. of 300 lb (136 kg) counts toward cumulative trip limit of 2,100 lb (953 kg) per calendar month except during the mop-up season.

* * * * *

2. In section IV, under C. *Trip limits in the Open Access Fishery*, paragraphs C.(1)(b), C.(2)(a), C.(2)(a)(i), and C.(2)(b) are revised to read as follows:

C. Trip Limits in the Open Access Fishery

* * * * *

(1) * * *

(b) *Widow rockfish.* The cumulative monthly limit for widow rockfish coastwide is 8,000 lb (3,629 kg) per vessel.

* * * * *

(2) * * *

(a) *Hook-and-line, pot, setnet and trammel net.* The following trip limits apply to all open access gear, except for exempted trawl gear.

(i) *North of 36°00' N. lat.* North of 36°00' N. lat., the daily trip limit for sablefish is 300 lb (136 kg), which counts toward a cumulative trip limit of 3,000 lb (1,361 kg) for the period of July 1 through August 31, 1999. Beginning September 1, the daily trip limit for sablefish counts toward a cumulative trip limit of 1,500 lb (680 kg) per calendar month.

(ii) * * *

(b) *Exempted trawl gear.* (i) *Sablefish taken by vessels engaged in fishing for spot and ridgeback prawns, California halibut, or sea cucumber with exempted trawl gear.* North of 36°00' N. lat., the daily trip limit for sablefish is 300 lb (136 kg), which counts toward a cumulative trip limit of 1,800 lb (816 kg) per 2-month period. South of 36°00' N. lat., the daily trip limit for sablefish is 350 lb (159 kg) per day. [Note: All sablefish taken by vessels engaged in fishing for spot and ridgeback prawns, California halibut, or sea cucumber with exempted trawl gear may not exceed and counts against the 300 lb (136 kg) per trip limit for groundfish specified below at paragraph IV.C.(6).]

(ii) *Sablefish taken by vessels engaged in fishing for pink shrimp with exempted trawl gear.* North of 36°00' N. lat., the cumulative trip limit for sablefish is 1,800 lb (816 kg) per 2-month period. South of 36°00' N. lat., the daily trip limit for sablefish is 350 lb (159 kg) per day, which may not be multiplied by the number of days in the trip. [Note: All sablefish taken by vessels engaged in fishing for pink shrimp with exempted trawl gear may not exceed and counts against the 500 lb (227 kg) per day and 2,000 lb (907 kg) per trip limit for groundfish specified below at paragraph IV.C.(7).]

* * * * *

Classification

These actions are authorized by the regulations implementing the FMP, and are based on the most recent data available. The aggregate data upon which these actions are based are available for public inspection at the office of the Administrator, Northwest Region, NMFS (see ADDRESSES) during business hours.

NMFS finds good cause to waive the requirement to provide prior notice and an opportunity for public comment on this action pursuant to 5 U.S.C. 553(b)(B), because providing prior notice and opportunity for comment would be impractical. It would be impractical because the cumulative trip limit period began July 2, 1999, and affording additional notice and opportunity for public comment would impede the due and timely execution of the agency's function of managing fisheries to achieve OY.

NMFS also finds good cause to waive the 30-day delay in effectiveness pursuant to 5 U.S.C. 553(d)(3), because such a delay would be contrary to the public interest. This action should be implemented at the beginning of the cumulative trip limit period to avoid confusion and maximize the potential

that fishers will harvest the allocation. For these reasons good cause exists to waive the 30-day delay in effectiveness.

These actions are taken under the authority of 50 CFR 660.323(b)(1), and are exempt from review under E.O. 12866.

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

Dated: July 1, 1999.

George H. Darcy,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
[FR Doc. 99–17325 Filed 7–2–99; 4:01 pm]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[I.D. 062599B]

Atlantic Tuna Fisheries; Atlantic Bluefin Tuna

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

ACTION: Inseason transfer.

SUMMARY: NMFS allocates 8 metric tons (mt) of the 1999 Atlantic bluefin tuna (BFT) Reserve to the Purse Seine category, creating a adjusted Purse Seine category quota of 260 mt and a adjusted Reserve quota of 35 mt for the 1999 fishing season. This action is being taken following input received by the Highly Migratory Species Advisory Panel (AP), as prescribed by management measures adopted in the Fishery Management Plan for Atlantic Tunas, Swordfish, and Sharks (FMP), and is consistent with the criteria for BFT quota transfers as specified in 50 CFR 635.27.

DATES: Effective July 2, 1999, until May 31, 2000.

FOR FURTHER INFORMATION CONTACT: Pat Scida, 978-281-9260.

SUPPLEMENTARY INFORMATION: Atlantic tunas are managed by the Secretary of Commerce under the dual authority of the Magnuson-Stevens Fishery Conservation and Management Act and the Atlantic Tunas Convention Act. The authority to issue regulations has been delegated from the Secretary to the Assistant Administrator for Fisheries, NOAA. Within NMFS, daily responsibility for management of Atlantic Highly Migratory Species (HMS) fisheries rests with the Office of Sustainable Fisheries, and is

administered by the HMS Management Division.

Based on the 1998 revised stock assessment, parties at the 1998 meeting of the International Commission for the Conservation of Atlantic Tunas (ICCAT) adopted a 20-year west Atlantic BFT rebuilding program, beginning in 1999 and continuing through 2018. ICCAT has adopted an annual total allowable catch (TAC) of 2,500 mt whole weight (ww) of west Atlantic BFT inclusive of dead discards, to be applied annually until such time as the TAC is changed based on advice from the Standing Committee on Research and Statistics. The annual landing quota allocated to the United States was increased by 43 mt ww to 1,387 mt ww.

Regulations at 50 CFR 635.27, subdivide the U.S. BFT quota recommended by ICCAT among the various domestic fishing categories.

On May 28, 1999, NMFS published in the **Federal Register** (64 FR 29090) final regulations, effective July 1, 1999, implementing the FMP that was adopted and made available to the public in April 1999. The FMP and the implementing regulations establish percentage quota shares for the ICCAT recommended U.S. BFT landing quota for each of the domestic fishing categories. For the Purse Seine category, NMFS adopted a cap on the amount of quota the category could be allocated, establishing a quota percentage share for the Purse Seine category of 18.6 percent of the overall U.S. BFT landings quota, or 250 mt, whichever is less. If the percentage of the total ICCAT recommended annual landings quota allocated to the Purse Seine category exceeds 250 mt, the amount over 250 mt shall be allocated to the Reserve.

The ICCAT recommended 1999 U.S. BFT landings quota is 1,387 mt, 18.6 percent of which is 258 mt. Thus, for 1999, the Purse Seine category was allocated 250 mt of the 18.6 percent of the overall U.S. BFT landings quota, and the additional 8 mt were allocated to the Reserve. An additional 2 mt Purse Seine category under-harvest from 1998 was added to the category's quota for 1999, for a total 1999 Purse Seine category quota of 252 mt (64 FR 29806, June 3, 1999).

In both the FMP, and the final HMS consolidated regulations, NMFS noted that the AP had not had an opportunity to fully address the Purse Seine category cap in light of the 1999 BFT quota increase from ICCAT. Therefore, NMFS indicated it would hold the additional 8 mt for 1999 in the Reserve until after the AP had discussed the issue. NMFS also indicated that if the agency decided, after receiving input from the

AP, that it would not retain the cap, the FMP would be modified through its framework provisions.

The AP met in Silver Spring, MD on June 10 and June 11, 1999, and discussed the Purse Seine category cap. After extensive discussion, a clear majority favored removal of the cap. The AP provided information and advice to NMFS on the issue of fairness in the context of allocation to the Purse Seine category. Among the points used by the AP in support of removing the cap were the following: (1) Adopting a cap on one category and not others is not fair and equitable, (2) adopting a cap on the only category in the fishery which is managed using limited access does not promote limited access, and (3) adopting a cap on the Purse Seine category's BFT quota allocation may cause purse seine vessels to increase fishing effort on yellowfin tuna, which is an important commercial and recreational species for vessels in other Atlantic tunas permit categories, and for which there is an ICCAT recommendation in place to limit effective fishing effort.

As part of NMFS' consideration of the issue of transferring quota from the reserve, NMFS must also consider the quota transfer criteria as described at 50 CFR 635.27(a)(7), which state that NMFS has the authority to allocate any portion of the Reserve to any category or categories of the fishery after considering the following factors: (1) The usefulness of information obtained from catches of the particular category of the fishery for biological sampling and monitoring the status of the stock, (2) the catches of the particular gear segment to date and the likelihood of closure of that segment of the fishery if no allocation is made, (3) the projected ability of the particular gear segment to harvest the additional amount of BFT tuna before the anticipated end of the fishing season, (4) the estimated amounts by which quotas established for other gear segments of the fishery might be exceeded, (5) the effects of the transfer on BFT rebuilding and overfishing, and (6) the effects of the transfer on accomplishing the objectives of the FMP.

NMFS has determined that the transfer of the 8 mt from the Reserve to the Purse Seine category is consistent with the quota transfer criteria, especially since the Purse Seine category targets and lands BFT of a larger size than the other domestic fishing categories to which the Reserve may be allocated, and, thus, would not have a negative impact of stock rebuilding. In addition, the FMP established a separate School Reserve

for the Angling category (18 additional mt for 1999), which, along with strict quota monitoring in the commercial fisheries, means that a Reserve of 35 mt for the 1999 fishing year is sufficient.

After considering the AP's input and the quota transfer criteria described here, NMFS has decided to immediately transfer the 8 mt from the Reserve to the Purse Seine category, and is preparing a proposed rule to address the Purse Seine category cap issue under the framework authority of the FMP.

Quota Adjustment

NMFS is transferring 8 mt of the Reserve to the Purse Seine category. Following this transfer, the Reserve is reduced to 35 mt, and the Purse Seine category quota is increased to 260 mt for the 1999 fishing year.

Classification

This action is taken under 50 CFR 635.27(a)(7). This action is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 971 et seq. and 1801 et seq.

Dated: July 2, 1999.

Gary C. Matlock,

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

[FR Doc. 99-17322 Filed 7-2-99; 4:01 pm]

BILLING CODE 3510-22-F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 990630178-9178-01; I. D. 062499A]

RIN 0648-XA31

Fisheries Off West Coast States and in the Western Pacific; Western Pacific Crustacean Fisheries; 1999 Bank-Specific Harvest Guidelines

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

ACTION: Bank-specific harvest guidelines for the Northwestern Hawaiian Islands (NWHI) crustacean fishery for 1999.

SUMMARY: NMFS announces the 1999 bank-specific harvest guidelines for the NWHI crustacean fisheries. The previously announced total NWHI-wide harvest guideline of 243,100 lobsters (spiny and slipper lobster combined) is allocated among the four NWHI lobster fishing grounds as follows: Necker Island, 54,600 lobsters; Gardner