

(2) The Secretary will review each list submitted by a governor or the tribal Indian governments to ascertain whether the individuals on the list are qualified for the vacancy. If the Secretary determines that a nominee is not qualified, the Secretary will notify the appropriate Governor or tribal Indian government of that determination. The Governor or tribal Indian government shall then submit a revised list of nominees or resubmit the original list with an additional explanation of the qualifications of the nominee in question. The Secretary reserves the right to determine whether nominees are qualified.

(3) The Secretary will select the appointees from lists of qualified nominees provided by the Governors of the constituent Council states or of the tribal Indian governments that are eligible to nominate candidates for that vacancy.

(i) For Governor-nominated seats, the Secretary will select an appointee for an obligatory seat from the list of qualified nominees submitted by the governor of the state. In filling expiring at-large seats, the Secretary will select an appointee(s) for an at-large seat(s) from the list of all qualified candidates submitted. The Secretary will consider only complete slates of nominees submitted by the governors of the Council's constituent states. When an appointed member vacates his/her seat prior to the expiration of his/her term, the Secretary will fill the vacancy for the remainder of the term by selecting from complete nomination letters and kits that are timely and contain the required number of candidates.

(ii) For the tribal Indian seat, the Secretary will solicit nominations of individuals for the list referred to in paragraph (c) of this section only from those Indian tribes with federally recognized fishing rights from California, Oregon, Washington, or Idaho. The Secretary will consult with the Bureau of Indian Affairs, Department of the Interior, to determine which Indian tribes may submit nominations. Any vacancy occurring prior to the expiration of any term shall be filled in the same manner as described in paragraphs (d)(1) and (2) of this section, except that the Secretary may use the list referred to in paragraph (b)(1) of this section from which the vacating member was chosen. The Secretary shall rotate the appointment among the tribes, taking into consideration:

(A) The qualifications of the individuals on the list referred to in paragraph (c) of this section.

(B) The various rights of the Indian tribes involved, and judicial cases that set out the manner in which these rights are to be exercised.

(C) The geographic area in which the tribe of the representative is located.

(D) The limitation that no tribal Indian representative shall serve more than three consecutive terms in the Indian tribal seat.

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 981222313-8320-02; I.D. 012599B]

#### Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish by Vessels Using Non-pelagic Trawl Gear in the Red King Crab Savings Subarea

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

**ACTION:** Closure.

**SUMMARY:** NMFS is closing directed fishing for groundfish with non-pelagic trawl gear in the red king crab savings subarea (RKCSS) of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the amount of the interim 1999 red king crab bycatch limit specified for the RKCSS.

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), January 25, until superseded by the Final 1999 Harvest Specification for Groundfish, which will be published in the *Federal Register*.

**FOR FURTHER INFORMATION CONTACT:** Andrew Smoker, 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 CFR part 679.

The Interim 1999 Harvest Specifications of Groundfish (64 FR 50, January 4, 1999) established the interim 1999 red king crab bycatch limit in the RKCSS as 10,000 animals

In accordance with § 679.21(e)(7)(ii)(B), the Administrator, Alaska Region, NMFS, has determined that the amount of the interim 1999 red king crab bycatch limit specified for the RKCSS will be caught. NMFS is closing the RKCSS to directed fishing for groundfish with non-pelagic trawl gear.

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

#### Classification

This action responds to the best available information recently obtained from the fishery. It must be implemented immediately to prevent exceeding the amount of the interim 1999 red king crab bycatch limit specified for the RKCSS. Providing prior notice and an opportunity for public comment on this action is impracticable and contrary to the public interest. The fleet will soon take the amount. Further delay would only result in the amount of the interim 1999 red king crab bycatch limit specified for the RKCSS 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: January 25, 1999.

**Gary C. Matlock,**

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

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 981222313-8320-02; I.D. 012199C]

#### Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish Other Than Pollock by Catcher/Processors Identified in Section 208(e)(1)-(20) of the American Fisheries Act 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 specified groundfish fisheries for specific catcher/

processors identified in the American Fisheries Act (AFA) in the Bering Sea and Aleutian Islands management area (BSAI). These actions are necessary to prevent exceeding the amount of the 1999 interim harvest limitations of groundfish other than pollock, established under the AFA for listed catcher/processors.

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), January 25, 1999, until 2400 hrs, A.l.t., December 31, 1999.

**FOR FURTHER INFORMATION CONTACT:** Andrew Smoker, 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 CFR part 679.

In accordance with section 211(b)(2)(A) of the AFA, the Interim 1999 Harvest Specifications of Groundfish for the BSAI (64 FR 50, January 4, 1999) established harvest limitations of groundfish other than pollock for the specific catcher/processors identified in section 208(e)(1)-(20) of the AFA (listed catcher/processors). NMFS filed an emergency interim rule on January 15, 1999, that establishes inseason authority to limit harvesting activities of the listed catcher/processors to minimize the potential for specified harvest limitations being exceeded.

Under the new emergency rule regulations at § 679.20(d)(1)(iv), if the Administrator, Alaska Region, NMFS (Regional Administrator), determines that any harvest limitation of groundfish other than pollock, established under section 211(b)(2)(A) of the AFA for listed catcher/processors will be reached, the Regional Administrator may establish a directed fishing allowance for the species or species group applicable only to the listed catcher/processors. If the Regional Administrator establishes a directed fishing allowance, and that allowance is or will be reached before the end of the fishing year, NMFS will prohibit directed fishing for that species or species group in the specified subarea or district applicable only to the listed catcher/processors (§ 697.20).

The Regional Administrator has determined that the following harvest limitation amounts are necessary as incidental catch to support other anticipated groundfish fisheries for the 1999 fishing year (amounts in metric tons):

Greenland turbot:	
Aleutian Islands .....	19
Bering Sea .....	85
Pacific ocean perch:	
Eastern Aleutian Islands .....	47
Central Aleutian Islands .....	45
Western Aleutian Islands .....	136
Bering Sea .....	12
“Other rockfish”:	
Aleutian Islands .....	29
Bering Sea .....	12
Sablefish trawl gear:	
Aleutian Islands .....	0
Bering Sea .....	3
Sharpchin/northern: Aleutian Islands	280
Shortraker/rougheye rockfish: Aleu-	
tian Islands .....	8
“Other red rockfish”: Bering Sea.	

In accordance with § 679.20(d)(1)(iv), the Regional Administrator establishes these amounts as directed fishing allowances.

The Regional Administrator finds that these directed fishing allowances will be reached before the end of the year. In accordance with § 679.20(d)(1)(iii), NMFS is prohibiting directed fishing by the listed catcher processors for these species in the specified areas. These closures will remain in effect through 2400 hrs, A.l.t., December 31, 1999.

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

**Classification**

This action responds to the harvest limitations and other restrictions on the fisheries established in the Interim 1999 Harvest Specifications for Groundfish for the BSAI. It must be implemented immediately to prevent exceeding the harvest limitations of several groundfish species in the BSAI. A delay in the effective date is impracticable and contrary to the public interest. NMFS finds for good cause that the implementation of this action should not be delayed for 30 days.

Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

This action is required by § 679.20 and § 679.21 and is exempt from review under E.O. 12866.

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

Dated: January 25, 1999.

**Gary C. Matlock,**

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

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