

Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, are inapplicable.

#### List of Subjects in 50 CFR Part 622

Fisheries, Fishing, Puerto Rico, Reporting and recordkeeping requirements, Virgin Islands.

Dated: August 27, 1999.

**Gary C. Matlock,**

*Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.*

For the reasons set out in the preamble, 50 CFR part 622 is amended as follows:

#### PART 622—FISHERIES OF THE CARIBBEAN, GULF, AND SOUTH ATLANTIC

1. The authority citation for part 622 continues to read as follows:

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

2. In § 622.18, the second sentence in paragraph (a) is suspended and paragraph (g) is added to read as follows:

#### § 622.18 South Atlantic snapper-grouper limited access.

\* \* \* \* \*

(g) *Revised implementation procedures.* A permit issued under this paragraph (g) will be either an unlimited permit (a permit not subject to a trip limit but with significant limitations on transferability) or a trip-limited permit.

(1) *Applicability.* (i) The procedures and limitations in this paragraph (g) apply to an owner of a vessel for whom the RD's initial determination under paragraph (d)(1) of this section was that he/she was eligible for an initial limited access commercial vessel permit for South Atlantic snapper-grouper, but who did not apply for such permit in a timely manner.

(ii) The RD's initial determination of eligibility notwithstanding, the procedures in this paragraph (g) do not apply to an owner against whom a final administrative decision has been taken on a Notice of Violation and Assessment (NOVA) for fishing in the snapper-grouper fishery without a permit on or since December 14, 1998. Such owner may not apply for an initial limited access commercial vessel permit for South Atlantic snapper-grouper. (See 15 CFR 904.2 for the definition of "Final administrative decision" and 15 CFR 904.104, 904.271(d), and 904.273(i) for determinations of when final administrative decisions are effective.)

(2) *Notification.* Not later than September 8, 1999, the RD will renotify, by certified mail, each owner to whom this paragraph (g) applies of NMFS' determination of eligibility for either an

unlimited or a trip-limited, limited access commercial permit for South Atlantic snapper-grouper. An owner who was advised under paragraph (b) of this section of eligibility for an initial transferable permit will be advised of eligibility for an unlimited permit under this paragraph (g). All other owners will be advised of eligibility for a trip-limited permit under this paragraph (g). Each notification will include an application for such permit. Addresses for such notifications will be based on NMFS' permit records. A vessel owner who believes he/she qualifies for a limited access commercial permit for South Atlantic snapper-grouper under this paragraph (g) and who does not receive such notification must contact the RD to verify eligibility status for a limited access permit. The RD will either provide such a person notification of eligibility, including an application, or advise him/her of the reasons for ineligibility.

(3) *Applications.* (i) An owner of a vessel who receives the notification specified in paragraph (g)(2) of this section and who desires a limited access commercial permit for South Atlantic snapper-grouper must submit an application for such permit postmarked or hand-delivered not later than October 18, 1999 to the RD. Failure to apply in a timely manner will preclude permit issuance.

(ii) An application for an unlimited permit when the RD's certified mail notification specifies eligibility for a trip-limited permit will not be considered.

(iii) If an application that is postmarked or hand-delivered in a timely manner is incomplete, the RD will notify the vessel owner of the deficiency. If the owner fails to correct the deficiency within 20 days of the date of the RD's notification, the application will be considered abandoned.

(4) *Issuance.* (i) If a complete application is submitted in a timely manner, the RD will issue an initial limited access commercial vessel permit for South Atlantic snapper-grouper. The type of permit issued, unlimited or trip-limited, will be as specified in the RD's certified mail notification specified in paragraph (g)(2) of this section.

(ii) An initial unlimited permit issued under this paragraph (g)(4) will be valid through the end of the month 13 months after its issuance, as specified on the permit. A trip-limited permit issued under this paragraph (g)(4) will be valid through the date specified on the permit.

(iii) The provisions of paragraph (g)(4)(i) of this section notwithstanding,

the RD will not issue a permit to an owner who has been issued a NOVA for fishing in the snapper-grouper fishery without a permit on or since December 14, 1998, until such NOVA is dismissed.

(5) *Transfers of unlimited permits.* (i) An unlimited permit issued under this paragraph (g) may not be transferred for 3 years after it is issued, except that an owner may request that the RD transfer the permit to another vessel owned by the same entity.

(ii) After the 3-year period, an unlimited permit issued under this paragraph (g) will become transferable in accordance with the provisions of paragraph (e)(1) of this section provided at least 1,000 lb (453.6 kg) of South Atlantic snapper-grouper were landed by the permitted vessel, or its replacement, in each of the three 12-month periods after it was initially issued.

(iii) When the landings of a vessel with an unlimited permit, or its replacement, are less than 1,000 lb (453.6 kg) of South Atlantic snapper-grouper in one of these three 12-month periods, the permit may be renewed only as a trip-limited permit.

(iv) Fishing records submitted in a timely manner in accordance with § 622.5(a)(1)(iv) and (a)(2) will be the sole basis for determination of landings of South Atlantic snapper-grouper for the purposes of meeting the 1,000-lb (453.6-kg) landing criterion.

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#### DEPARTMENT OF COMMERCE

#### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 990304062-9062-01; I.D. 083099C]

#### Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 of the Gulf of Alaska

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

**ACTION:** Inseason adjustment; request for comments.

**SUMMARY:** NMFS issues an inseason adjustment prohibiting directed fishing for pollock in Statistical Area 620 of the Gulf of Alaska (GOA) and extending the C fishing season for pollock in Statistical Area 620 until further notice. This adjustment is necessary to manage the C seasonal allowance of the pollock

total allowable catch (TAC), given the existence of excessive harvesting capacity.

**DATES:** Directed fishing for pollock in Statistical Area 620 will be closed at 1200 hrs, A.I.t., September 2, 1999. Comments must be received at the following address no later than 4:30 p.m., A.I.t., September 15, 1999.

**ADDRESSES:** Comments may be mailed to Sue Salvesson, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802-1668, Attn: Lori Gravel. Hand delivery or courier delivery of comments may be sent to the Federal Building, 709 West 9th Street, Room 453, Juneau, AK 99801.

**FOR FURTHER INFORMATION CONTACT:** Andrew Smoker, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (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.

As of August 21, 1999, 8,900 metric tons (mt) of pollock remain in the C seasonal allowance of the pollock TAC in Statistical Area 620 of the GOA. That amount will be available for harvest at 1200 hrs, A.I.t., September 1, 1999. The emergency interim rule (EIR) establishing Steller sea lion protection measures for pollock off Alaska (64 FR 3437, January 22, 1999, and extended at 64 FR 39087, July 21, 1999) defines the C fishing season for pollock in Statistical Area 620 of the GOA as starting from 1200 hrs, A.I.t., September 1, 1999, until the directed fishery is closed or 1200 hrs, A.I.t. October 1, 1999, whichever comes first. The D fishing season is to begin 5 days after the closure of the C fishing season in Statistical Area 620.

NMFS also is extending the C fishing season by inseason adjustment to delay the start of the D fishing season until the agency has determined whether sufficient amounts of the C season allowance remains unharvested to allow another opening prior to the harvest of the pollock authorized for the D season.

In accordance with § 679.20(a)(5)(ii)(C), underages from the C fishing season also may be applied to the D fishing season, provided that the revised D fishing seasonal allowance

does not exceed 30 percent of the annual TAC.

While the potential catching capacity for vessels delivering pollock for processing by the inshore component is large enough to limit the first opening during the C fishing season to 24 hours, that limitation may reduce interest in participating in the fishery. If the catch during the C fishing season is very limited, the potential exists for a substantial amount of the C seasonal allowance of the pollock TAC not to be caught and to be eligible for harvest during the D fishing season. Therefore, in accordance with § 679.25(a)(1)(i) and (a)(2)(i)(C), NMFS is extending the C fishing season to prevent the underharvest of that seasonal allowance of the pollock TAC until NMFS has determined the C seasonal allowance has been harvested or October 1, 1999, whichever occurs first.

In accordance with § 679.25(a)(2)(iii), NMFS has determined that prohibiting directed fishing at 1200 hrs, A.I.t., September 2, 1999, after a 24-hour opening, and extending the C fishing season is the least restrictive management adjustment to achieve the C seasonal allowance of the pollock TAC and will allow other fisheries to continue in noncritical areas and time periods. Pursuant to § 679.25(b)(2), NMFS has considered data regarding catch per unit of effort and rate of harvest in making this adjustment.

#### Classification

The Assistant Administrator for Fisheries, NOAA, finds for good cause that providing prior notice and public comment or delaying the effective date of this action is impracticable and contrary to the public interest. Without this inseason adjustment, NMFS could not allow this fishery, and the C seasonal allowance of the pollock TAC in Statistical Area 620 of the GOA would not be harvested in accordance with the regulatory schedule, resulting in a seasonal loss of more than \$1.0 million. Under § 679.25(c)(2), interested persons are invited to submit written comments on this action to the above address until September 15, 1999.

This action is required by §§ 679.20 and 679.25 and is exempt from review under E.O. 12866.

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

Dated: August 30, 1999.

**Bruce C. Morehead,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.* [FR Doc. 99-23084 Filed 8-31-99; 5:00 pm]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 990304063-9063-01; I.D. 083199A]

### Fisheries of the Exclusive Economic Zone Off Alaska; Species in the Rock Sole/Flathead Sole/"Other Flatfish" Fishery Category by Vessels Using Trawl Gear in Bering Sea and Aleutian Islands Management Area

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

**ACTION:** Closure.

**SUMMARY:** NMFS is closing directed fishing for species in the rock sole/flathead sole/"other flatfish" fishery category by vessels using trawl gear in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the 1999 Pacific halibut bycatch allowance specified for the trawl rock sole/flathead sole/"other flatfish" fishery category.

**DATES:** Effective 1200 hrs, Alaska local time (A.I.t.), August 31, 1999, until 2400 hrs, A.I.t., December 31, 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 (64 FR 12103, March 11, 1999) established the halibut bycatch mortality allowance for the BSAI trawl rock sole/flathead sole/"other flatfish" fishery category, which is defined at § 679.21(e)(3)(iv)(B)(2), as 755 metric tons.

In accordance with § 679.21(e)(7)(v), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the 1999 halibut bycatch allowance specified for the trawl rock sole/flathead sole/"other flatfish" fishery in the BSAI has been caught. Consequently, the Regional Administrator is closing directed fishing for species in the rock sole/flathead