

reached. On and after the effective date and time of such closure notification, for the remainder of the fishing year or for a specified period as indicated in the notification, fishing for, retaining, possessing, or landing BFT under that quota category is prohibited until the opening of the subsequent quota period or until such date as specified in the notification.

The 1999 BFT quota specifications issued pursuant to § 635.27 set a coastwide General category quota of 644 mt of large medium and giant BFT to be harvested from the regulatory area during the 1999 fishing year. Based on reported landings and effort, NMFS projects that this quota will be reached by October 3, 1999. Therefore, fishing for, retaining, possessing, or landing large medium or giant BFT by persons aboard vessels in the General or Charter/Headboat categories must cease at 11:30 p.m. local time October 3, 1999. The intent of this closure is to prevent overharvest of the coastwide quota established for the General category.

The 1999 quota specifications also established a set-aside quota of 10 mt for vessels fishing in the New York Bight area. NMFS will announce the opening date of the General category New York Bight fishery through a separate **Federal Register** document when it is determined that large medium and giant BFT are available in the New York Bight area. Allowing a few days transition between the closure of the coastwide fishery and the opening of the New York Bight fishery reduces concerns regarding enforcement of regulations applicable to that area, i.e., that upon the effective date of the set-aside fishery, fishing for, retaining, or landing large medium or giant BFT is authorized only within the set-aside area.

General category permit holders may tag and release BFT while the General category is closed, subject to the requirements of the tag-and-release program at § 635.26. Vessels permitted in the Charter/Headboat category that are still eligible for the Angling category trophy fish allowance under § 635.23(c)(1)(2) may land one large medium or giant BFT prior to May 31, 2000.

Classification

This action is taken under § 635.28(a) and is exempt from review under E.O. 12866.

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

Dated: October 1, 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. 990304062-9062-01; I.D. 100199A]

Fisheries of the Exclusive Economic Zone Off Alaska; Vessels Less Than or Equal To 99 Feet LOA Catching Pollock for Processing by the Inshore Component in the Bering Sea

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

ACTION: Modification of a closure.

SUMMARY: NMFS is modifying a closure for pollock by vessels catching pollock for processing by the inshore component in the critical habitat/catcher vessel operational area (CH/CVOA) of the Bering Sea and Aleutian Islands management area (BSAI) to exempt from this closure vessels less than or equal to 99 feet length over all (LOA). This action is necessary because a sufficient amount of the C season limit of the pollock total allowable catch (TAC) specified for the inshore component within the CH/CVOA remains to accommodate fishing by vessels less than or equal to 99 feet LOA catching pollock for processing by the inshore component.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), October 1, 1999 until 2400 hrs A.l.t., December 31, 1999, or until NMFS publishes further notice in the **Federal Register**.

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

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI 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.

In accordance with § 679.20(a)(5)(i)(C)(1) and the revised emergency interim rule implementing Steller Sea lion conservation measures (64 FR 39087, July 21, 1999), the 1999 C season limit of pollock TAC specified to the inshore component for harvest within the CH/CVOA is 79,307 metric tons (mt). On September 29, 1999, the Administrator, Alaska Region, NMFS (Regional Administrator), issued a notice, which will publish on October 4, 1999, stating that the C season limit of pollock had been reached and prohibited directed fishing for pollock by all vessels catching pollock for processing by the inshore component within the CH/CVOA.

However, in calculating the directed fishing closure, 5,000 mt of pollock had been reserved to accommodate continued fishing by catcher vessels less than or equal to 99 feet LOA, consistent with § 679.22(a)(11)(iv)(C)(2). Although the notice prohibited directed fishing for pollock by all inshore vessels, the intent was to close directed fishing for catcher vessels greater than 99 feet LOA and to exempt from the closure catcher vessels less than or equal to 99 feet LOA.

Consequently, NMFS is modifying the September 29, 1999, directed fishing closure for inshore pollock in the CH/CVOA to exempt from the closure catcher vessels less than or equal to 99 feet LOA catching pollock for processing by the inshore component within the CH/CVOA conservation zone, as defined at § 679.22(a)(11)(iv)(B). The closure remains in full force and effect for inshore catcher vessels greater than 99 feet LOA.

Classification

This action responds to the best available information recently obtained from the fishery. It must be implemented immediately in order to allow for the continued fishing for the C season limit of pollock in the CH/CVOA by catcher vessels less than or equal to 99 feet LOA catching pollock for processing by the inshore component. A delay in the effective date is impracticable and contrary to the public interest. Further delay would result in inconsistency with regulation implementing reasonable and prudent management measures to promote the recovery of the endangered Steller sea lion. NMFS finds for good cause that the implementation of this action can 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 § 679.22
and is exempt from review under E.O.
12866.

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

Dated: October 1, 1999.

Gary C. Matlock,

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

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