

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

#### CFR PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303, 334 and 336.

#### § 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Wisconsin, is amended by adding Channel \*284A at Washburn.

Federal Communications Commission.

**John A. Karousos,**

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

[FR Doc. 99-26316 Filed 10-7-99; 8:45 am]

BILLING CODE 6712-01-P

#### FEDERAL COMMUNICATIONS COMMISSION

#### 47 CFR Part 73

[DA No. 99-1945; MM Docket No. 99-228; RM-9612]

#### Radio Broadcasting Services; Valier, MT

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document allots Channel 289C1 at Valier, Montana, in response to a petition filed by The Battani Corporation. See 64 FR 34751, June 29, 1999. The coordinates for Channel 289C1 at Valier are 48-18-18 NL and 112-15-30 WL. Canadian concurrence has been received for the allotment of Channel 289C1 at Valier. With this action, this proceeding is terminated. A filing window for Channel 289C1 at Valier will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent order.

**DATES:** Effective November 8, 1999.

**FOR FURTHER INFORMATION CONTACT:** Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Report and Order, MM Docket No. 99-228, adopted September 15, 1999, and released September 24, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center, 445 12th Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's

copy contractors, International Transcription Services, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857-3800, facsimile (202) 857-3805.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

#### PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303, 334 and 336.

#### § 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Montana, is amended by adding Valier, Channel 289C1.

Federal Communications Commission.

**John A. Karousos,**

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

[FR Doc. 99-26317 Filed 10-7-99; 8:45 am]

BILLING CODE 6712-01-P

#### DEPARTMENT OF COMMERCE

#### National Oceanic and Atmospheric Administration

#### 50 CFR Parts 600 and 660

[Docket No. 981231333-8333-01; I.D. 092999C]

#### Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Trip Limit Adjustments

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

**ACTION:** Fishing restrictions; request for comments.

**SUMMARY:** NMFS announces changes to the restrictions for the Pacific Coast groundfish limited entry fisheries for the *Sebastes* complex, canary rockfish, widow rockfish, and trawl-caught sablefish coastwide; yellowtail rockfish north of Cape Mendocino; daily trip limit nontrawl sablefish north of 36° N. lat.; and chilipepper and splitnose rockfish south of Cape Mendocino. NMFS announces changes to the open access restrictions for the *Sebastes* complex, bocaccio, widow rockfish, and chilipepper rockfish south of Cape Mendocino; and daily trip limits for nontrawl sablefish north of 36° N. lat. NMFS also announces the coastwide closure for lingcod taken with any open

access gear. This action also announces the last cumulative trip limit period in 1999 for the "B" platoon, those limited entry trawl vessels designated to take their cumulative trip limits 2 weeks out of phase with the rest of the fleet. These actions, which are authorized by the Pacific Coast Groundfish Fishery Management Plan (FMP), are intended to extend the fisheries as long as possible during the year while keeping landings within the 1999 optimum yields (OYs) and allocations for these species.

**DATES:** Effective 0001 hours local time (l.t.) October 1, 1999. For limited entry vessels operating in the B platoon, effective 0001 hours l.t. October 16, 1999. These changes are in effect, unless modified, superseded, or rescinded, until the effective date of the 2000 annual specifications and management measures for the Pacific Coast groundfish fishery, which will be published in the **Federal Register**. Comments will be accepted through October 25, 1999.

**ADDRESSES:** Submit comments to William Stelle, Jr., Administrator, Northwest Region (Regional Administrator), NMFS, 7600 Sand Point Way N.E., BIN C15700, Bldg. 1, Seattle, WA 98115-0070; or to Rodney McInnis, Acting Administrator, Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213.

#### FOR FURTHER INFORMATION CONTACT:

Katherine King or Becky Renko, Northwest Region, NMFS, 206-526-6140.

**SUPPLEMENTARY INFORMATION:** The following changes to current management measures were recommended by the Pacific Fishery Management Council (Council), in consultation with the States of Washington, Oregon, and California, at its September 13 through 17, 1999, meeting in Portland, OR. The adjusted trip limits are calculated to achieve, but not exceed, the OYs and allocations for the groundfish fishery, so as to provide a year-long fishing opportunity for at least some groundfish species. Pacific coast groundfish landings will be monitored throughout the year, and further adjustments to the cumulative trip limits may be made as necessary.

As previously announced in the **Federal Register** (64 CFR 1316 January 8, 1999) the third trip limit fishing phase of 1999 will begin on October 1, 1999. At this time, the 2-month cumulative trip limits that applied to limited entry landings during the second fishing phase of 1999, April 1 to September 30, 1999, will convert to 1-

month limits for the October 1 to December 31 period.

#### **Limited Entry *Sebastes* Complex Cumulative Trip Limit Decrease**

The best available information at the Council's September meeting indicated that 2,935 mt of *Sebastes* complex species had been landed in the limited entry fishery north of Cape Mendocino through August 31, 1999, which is 73 percent of the 4,033 mt of the *Sebastes* complex landed catch target for the year. South of Cape Mendocino, 798 mt of the *Sebastes* complex species had been landed, which is 85 percent of the 941 mt of the *Sebastes* complex landed catch target for the year. If the fishery were to continue at current landing rates, the fleet would exceed its target levels for these species before the end of the year. Because of this, the Council changed its earlier recommendation for the *Sebastes* complex 1-month cumulative trip limits, effective October 1, 1999, from 10,000 (4,536 kg) north of Cape Mendocino and from 5,000 lb (2,268 kg) south of Cape Mendocino to a coastwide cumulative limit of 500 lb (227 kg) per month.

The *Sebastes* complex includes yellowtail rockfish, canary rockfish, and bocaccio, which have their own cumulative limits and which count toward the overall *Sebastes* cumulative limits. Within the *Sebastes* complex, 1,983 mt of yellowtail rockfish had been landed north of Cape Mendocino through August 31, 1999, which is 95 percent of the 2,080 mt landed catch target. Preliminary data from the at-sea whiting fleet indicate that the actual catch of yellowtail was roughly 300 mt higher than was planned for, based on previous years' data. If the fishery were to continue at the same rates as were seen in June or July, it is likely that the limited entry allocations for yellowtail and the northern *Sebastes* complex could be reached by the end of September. Because of this, the Council recommended that the 1-month cumulative trip limit for yellowtail rockfish taken north of Cape Mendocino be decreased from its prior recommendation of 5,000 lb (2,268 kg) to 300 lb (136 kg) for each 1-month cumulative trip limit period between October 1 and December 31, 1999.

So as not to exceed the overall *Sebastes* complex limits, the Council also recommended decreasing the coastwide cumulative trip limit for canary rockfish from its prior recommendation of 3,000 lb (1,361 kg) to 500 lb (227 kg) per 1-month trip limit period from October 1 to December 31, 1999. Similarly, the 1-month cumulative trip limits for *Sebastes* species, other

than yellowtail rockfish and canary rockfish north of Cape Mendocino, would be reduced to 500 lb (227 kg) from the Council's prior recommendation of 4000 lb (1,814 kg) so that the total *Sebastes* limit is not exceeded.

As previously announced, the bocaccio rockfish limit of 500 lb (227 kg) per 1-month south of Cape Mendocino becomes effective October 1, 1999.

#### **Limited Entry Chilepepper Rockfish and Splitnose Rockfish South of Cape Mendocino Trip Limit Decrease**

The chilipepper rockfish 1-month cumulative trip limits for each period between October 1, 1999, and December 31, 1999, are currently set at 18,000 lb (8,165 kg). The splitnose rockfish (rosefish) 1-month cumulative trip limit for this same period is currently set at 10,000 lb (4,536 kg). The Council expressed concern about the bycatch and potential discard of *Sebastes* complex species by vessels targeting on chilipepper and splitnose rockfish particularly when the *Sebastes* complex cumulative trip limit is reduced to 500 lb (227 kg) per month on October 1, 1999. As a result of this concern, the Council recommended that the 1-month cumulative trip limits for chilipepper rockfish and splitnose rockfish cumulative trip limits south of Cape Mendocino each be reduced to 5,000 lb (2,268 kg) on October 1, 1999.

#### **Limited Entry Widow Rockfish Trip Limit Restriction for Vessels Landing Catch in Washington and Oregon**

Through August 31, 1999, 2,415 mt, or 64 percent of the 3,777 mt, coastwide limited entry landed catch target for widow rockfish had been taken. However, an increase in the cumulative trip limit for widow rockfish to 30,000 lb (13,608 kg) on October 1, 1999, as earlier recommended, is complicated by the likely bycatch of other species in the *Sebastes* complex, particularly yellowtail rockfish, associated with bottom trawl fishing strategies. Council discussion focused on the regulatory authority to prohibit the use of bottom trawl gear to target widow rockfish for the last 3 months of 1999. However, NMFS does not have the regulatory flexibility to restrict the use of specific types of trawl gear by October 1, 1999. Yellowtail rockfish bycatch in bottom trawls targeting widow rockfish is primarily an issue in waters off Washington and Oregon. The Council agreed to keep the widow rockfish 1-month trip limit at 30,000 lb (13,608 kg) for the 1-month periods between October 1, 1999, and December 31,

1999, because the States of Washington and Oregon will adopt regulations that require vessels landing the 1-month trip limit of 30,000 lb (13,608 kg) to have midwater gear onboard the vessel. If a vessel does not have midwater gear on board, the state-imposed trip limit of 500 lb (227 kg) per 1-month cumulative period will be applied. The Council agreed that this measure would adequately address the bycatch concern while allowing the widow rockfish allocation to be taken.

#### **Limited Entry Non-Trawl Sablefish Fishery Cumulative Trip Limit Increase Daily Trip Limit Fishery North of 36° N. Lat.**

On September 1, 1999, the 1-month cumulative trip limit for the daily trip limit non-trawl sablefish fishery north of 36° N. lat. was set at 2,100 lb (952 kg), with a 300 lb (136 kg) daily trip limit that counts toward the 1-month limit. The best available information at the September Council meeting indicated that 2,177 mt of the 2,516 mt allocation had been landed through August 31, 1999. Because of low landings earlier in the year, the Council recommended increasing the 1-month cumulative trip limit to 3,600 lb (1,633 kg) from October 1, 1999, through December 31, 1999, with the continuation of a daily 300 lb (136 kg) trip limit per vessel.

#### **Limited Entry Trawl-Caught Sablefish Trip Limit Increase**

The trawl-caught sablefish 1-month cumulative limit for each period between October 1 through December 31, 1999, is currently set at 6,000 lb (2,722 kg). The best available information at the September Council meeting indicated that 1,967 mt, or 57 percent of the 3,475 mt, trawl sablefish allocation had been landed by limited entry trawl vessels through August 31, 1999. To give the fleet access to sablefish not taken earlier in the year, the Council recommended increasing the 1-month cumulative trip limit to 7,000 lb (3,175 kg) for each 1-month trip limit period between October 1 and December 31, 1999.

#### **Open Access *Sebastes* Complex South of Cape Mendocino**

The 1-month cumulative trip limit for the *Sebastes* complex south of Cape Mendocino is currently 2,000 lb (907 kg) per vessel. Through August 31, 1999, 341 mt, or 75 percent of the 455 mt, open access *Sebastes* allocation had been taken. Monthly landings for June to August ranged from 39 to 73 mt. If the fishery were to continue at current landing rates, the fleet would exceed its harvest allocations for these species

before the end of the year. The Council recommended that the *Sebastes* complex 1-month cumulative trip limit south of Cape Mendocino be reduced to 500 lb (227 kg).

Bocaccio catch applies toward the cumulative monthly limit for the *Sebastes* complex south of Cape Mendocino. The 1-month limit for bocaccio taken in setnets or trammel nets is currently set at 1000 lb (454 kg). Because the cumulative limit of *Sebastes* complex species cannot be exceeded by a component of the complex, the 1-month limit is effectively reduced to 500 lb (227 kg) for the bocaccio taken with setnets or trammel nets.

#### **Open Access Widow Rockfish Trip Limit Decrease South of Cape Mendocino**

The coastwide cumulative monthly limit for widow rockfish taken with open access gear is currently 8,000 lb (3,629 kg) per vessel. The Council recommended reducing the monthly limit to 4,000 lb (1,814 kg) south of Cape Mendocino to minimize bycatch of the *Sebastes* complex species whose 1-month cumulative trip limit has been reduced to 500 lb (227 kg) on October 1, 1999.

#### **Open Access Chilipepper Rockfish Trip Limit Decrease South of Cape Mendocino**

The cumulative monthly limit for chilipepper rockfish taken with open access gear south of Cape Mendocino is currently 6,000 lb (2,722 kg) per vessel. As for widow rockfish, the Council expressed concerns about the bycatch of species within the *Sebastes* complex and identified the need to reduce the opportunity for vessels to target on chilipepper south of Cape Mendocino. Because of this concern, the Council recommended that the 1-month trip limits south of Cape Mendocino be reduced to 3,000 lb (1,361 kg).

#### **Open Access Daily Trip Limit Sablefish Fishery Cumulative Trip Limit Increase North of 36° N. Lat**

The 1-month cumulative trip limit for the open access daily trip limit sablefish

fishery north of 36° N. lat. is currently 1,500 lb (680 kg), with a 300 lb (136 kg) per day limit, which counts toward the cumulative monthly limit. Because of low catches earlier in the year, the Council recommended increasing the monthly cumulative limits to 2,700 lb (1,225 kg), with the continuation of a daily 300 lb (136 kg) trip limit per vessel. This increase applies only to the nontrawl fishery.

#### **Open Access Coastwide Lingcod Closure**

The best available data through August 31, 1999, indicated that 72 mt or 90 percent of the 82 mt open access lingcod allocation had been taken. Monthly landings from June to August were between 15 mt and 18 mt. At these rates the open access lingcod allocation is expected to be reached by the end of September. Effective October 1, 1999, the Council recommended that open access landings of lingcod be prohibited coastwide. These prohibitions apply to all gear, including exempted trawl gear.

#### **Final Period for the "B" Platoon**

NMFS also announces the last cumulative trip limit period in 1999 for the "B" platoon, those limited entry trawl vessels designated (on their limited entry permit) to take their cumulative trip limits 2 weeks out of phase with the rest of the fleet. For vessels in the "B" platoon, the final cumulative trip limit period will be from November 16, 1999, through December 31, 1999. At any time during this period, each vessel in the "B" platoon is allowed time during this period, each vessel in the "B" platoon is allowed to take and retain, possess, or land the equivalent of two 1-month cumulative limits (the November and December cumulative trip limits).

#### **NMFS Action**

For the reasons stated previously, NMFS concurs with the Council's recommendations and announces the following changes to the 1999 annual management measures (64 FR 1316, January 8, 1999; 64 FR 16862, April 7, 1999; 64 FR 24062, May 5, 1999; 64 FR 36817, July 8, 1999; and 64 FR 42286,

August 4, 1999) as amended. The annual management measures are modified as follows:

1. In section IV., under *B. Limited Entry Fishery*, under paragraph B.(1), a note is added at the end of table 2; paragraph B.(2)(b)(ii) is removed, paragraph B.(2)(b)(i) is redesignated B.(2)(b)(ii), the introductory language at paragraph B.(2)(b) is redesignated as B.(2)(b)(i), and revised, and table 3 under the newly redesignated paragraph B.(2)(b) (ii) is revised; table 4 under paragraph B.(4), table 5 under paragraph B.(5), table 6 under paragraph B.(6)(c), and paragraph B.(6)(d)(ii)(A) are revised, to read as follows:

#### *B. Limited Entry Fishery*

\* \* \* \* \*

(1) \* \* \*

Table 2—Widow Rockfish

\* \* \* \* \*

**Note:** The States of Washington and Oregon are expected to implement more restrictive limits on October 1, 1999, such that the 30,000 lb monthly cumulative limit for widow rockfish will be available only to vessels using midwater trawl gear. If midwater trawl gear is not used, Washington and Oregon will impose a cumulative monthly trip limit for widow rockfish of only 500 lb (227 kg) per month. The states may also require that only midwater trawl gear may be on board when landing more than 500 lb of widow rockfish. The Washington Department of Fish and Wildlife and the Oregon Department of Fish and Wildlife should be contacted before taking and retaining, possessing, or landing widow rockfish in ocean waters off Washington or Oregon.

(2) \* \* \*

(b) *Trip limits for the Sebastes complex.*

(i) Harvest of all *Sebastes* complex species with their own cumulative limits (yellowtail rockfish, canary rockfish, bocaccio), count toward the overall applicable *Sebastes* cumulative limits for the areas north and south of Cape Mendocino.

(ii) \* \* \*

TABLE 3: SEBASTES COMPLEX AND ITS COMPONENT SPECIES

Phase	Cumulative trip limit periods	Cumulative trip limits (in pounds)							Length of cumulative trip limit period (month)
		<i>Sebastes</i> complex (north and south of Cape Mendocino)		Yellowtail rockfish <sup>1</sup> (north of Cape Mendocino)	<i>Sebastes</i> other than yellowtail and canary <sup>1</sup> (north of Cape Mendocino)	Canary rockfish <sup>1</sup> (north and south of Cape Mendocino)		Bocaccio <sup>1</sup> (south of Cape Mendocino)	
		North	South			North	South		
I .....	Jan 1–Mar 31 ...	24,000 ..... (10,886 kg)	13,000 ..... (5,897 kg)	15,000 ..... (6,804 kg)	.....	9,000 ..... (4,082 kg)	9,000 ..... (4,082 kg)	750 per month. (340 kg)	.....
III .....	Oct 1–31 .....	500 coastwide		300 .....	500 .....	500 coastwide		500 .....	1
	Nov 1–30 .....	500 coastwide		300 .....	500 .....	500 coastwide		500 .....	1
	Dec 1–31 .....	500 coastwide (227 kg)		300 ..... (136 kg) ....	500 ..... (227 kg) ....	500 coastwide (227 kg)		500 ..... (227 kg).	1

<sup>1</sup> Also counts toward the overall *Sebastes* complex limit.

<sup>2</sup> No more than 500 lb (227 kg) of bocaccio may be landed per trip, which counts towards the cumulative trip limits for bocaccio and the *Sebastes* complex south of Cape Mendocino.

\* \* \* \* \*

(4) \* \* \*

TABLE 4: CHILIPEPPER ROCKFISH

[south of Cape Mendocino]

Fishing	Cumulative trip limit periods	Cumulative trip limit (in pounds)	Length of cumulative trip limit period (months)
I .....	Jan 1–Mar 31 .....	45,000 20,412 kg	3
II .....	Apr 1–May 31 .....	25,000	2
	June 1–July 31 .....	25,000	2
	Aug 1–Sept 30 .....	25,000	2
III .....	Oct 1–31 .....	*11,340 kg	1
	Nov 1–30 .....	5,000	1
	Dec 1–31 .....	5,000	1
		*2,268 kg	

(5) *Splitnose rockfish*. The cumulative trip limit for splitnose rockfish south of Cape Mendocino is as follows, unless otherwise announced in the **Federal Register**:

TABLE 5: SPLITNOSE ROCKFISH (ROSEFISH)

[south of Cape Mendocino]

Fishing phase	Cumulative trip limit periods	Cumulative trip limit	Length of cumulative trip limit period (months)
I .....	Jan 1–Mar 31 .....	32,000 *14,515 kg	3
II .....	Apr 1–May 31 .....	19,000	2
	June 1–July 31 .....	19,000	2
	Aug 1–Sept 30 .....	19,000	2
III .....	Oct 1–31 .....	*8,618 kg	1
	Nov 1–30 .....	5,000	1
	Dec 1–31 .....	5,000	1
		2,268 kg	

\*In kilograms.

(6) \* \* \*

(c) \* \* \*

TABLE 6: DTS COMPLEX  
[coastwide]

Phase	Cumulative trip limit periods	Cumulative trip limits (in pounds)				Length of cumulative trip limit period (months)
		Dover sole cumulative trip limit	Longspine thornyhead cumulative trip limit	Shortspine thornyhead cumulative trip limit	Trawl-caught sablefish* cumulative trip limit	
I .....	Jan 1–Mar 31 .....	70,000 .....	12,000 .....	3,000 .....	13,000 .....	3
		(31,752 kg)	(5,443 kg) ..	(1,361 kg) ..	(5,897 kg).	
II .....	Apr 1–May 31 .....	25,000 .....	8,000 .....	2,000 .....	12,000 .....	2
		(11,340 kg)	.....	.....	(5,443 kg).	
	June 1–July 31 .....	20,000 .....	8,000 .....	2,000 .....	10,000 .....	2
	Aug 1–Sept 30 .....	20,000 .....	8,000 .....	2,000 .....	10,000 .....	2
		(9,072 kg) ..	(3,629 kg) ..	(907 kg) .....	(4,536 kg).	
III .....	Oct 1–31 .....	22,000 .....	4,000 .....	1,000 .....	7,000 .....	1
	Nov 1–30 .....	22,000 .....	4,000 .....	1,000 .....	7,000 .....	1
	Dec 1–31 .....	22,000 .....	4,000 .....	1,000 .....	7,000 .....	1
		(9,979 kg) ..	(1,814 kg) ..	(454 kg) .....	(3,175 kg).	
II .....	Apr 1–May 31 .....	25,000 .....	8,000 .....	2,000 .....	12,000 .....	2
		11,340 kg)	.....	.....	(5,443 kg).	
	June 1–July 31 .....	20,000 .....	8,000 .....	2,000 .....	10,000 .....	2
	Aug 1–Sept 30 .....	20,000 .....	8,000 .....	2,000 .....	10,000 .....	2
		(9,072 kg) ..	(3,629 kg) ..	(907 kg) .....	(4,536 kg).	
III .....	Oct 1–31 .....	22,000 .....	4,000 .....	1,000 .....	7,000 .....	1
	Nov 1–30 .....	22,000 .....	4,000 .....	1,000 .....	7,000 .....	1
	Dec 1–31 .....	22,000 .....	4,000 .....	1,000 .....	7,000 .....	1
		(9,979 kg) ..	(1,814 kg)	(454 kg) .....	(3,175 kg).	

\* At any time of year unless otherwise announced, no more than 500 lb (227 kg) per trip may be trawl-caught sablefish smaller than 22 inches (56 cm) TL. (See paragraph IV.A.(6) regarding length measurement.)

(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° N. lat. is 300 lb (136 kg), which counts toward a cumulative trip limit of 3,600 lb (1,633 kg) per calendar month.

\* \* \* \* \*

2. In section IV., under C. Trip Limits in the Open Access Fishery, paragraphs (1)(b), (1)(d)(i), (1)(e), (2)(a)(i), and (3) are revised, to read as follows:

*C. Trip Limits in the Open Access Fishery*

(1) \* \* \*

(b) *Widow rockfish.* The cumulative monthly trip limit for widow rockfish is 8,000 lb (3,629 kg) per vessel north of Cape Mendocino and 4,000 lb (1,814 kg) per vessel south of Mendocino. (These limits are not additive; the crossover provisions at paragraph IV.A. (12) apply.)

\* \* \* \* \*

(d) \* \* \*

(i) *Cumulative monthly limits.* The cumulative monthly limit for the *Sebastes* complex is 12,000 lb (5,443 kg) per vessel north of Cape Mendocino, and 500 lb (227 kg) per vessel south of Cape Mendocino. Within the cumulative trip limit for the *Sebastes* complex north of Cape Mendocino, no more than 2,000 lb (907 kg) per month may be canary rockfish, no more than 6,500 lb (2,948 kg) per month may be yellowtail rockfish, no more than 3,500 lb (1,588 kg) per month may be black rockfish and blue rockfish combined, no more than 2,000 lb (907 kg) per month may be *Sebastes* complex species other than yellowtail rockfish, canary rockfish, black rockfish and blue rockfish. The 500-lb (227 kg) cumulative monthly trip limit for the *Sebastes* complex south of Cape Mendocino includes canary rockfish, bocaccio, and other *Sebastes* species south of Cape Mendocino, which are counted toward the *Sebastes* limit, and together may not exceed the monthly cumulative limit for the *Sebastes* complex south of Cape Mendocino.

[Note: The sum of the cumulative monthly limits for canary rockfish, yellowtail rockfish, black rockfish and blue rockfish, and other *Sebastes* rockfish is greater than the overall monthly cumulative limit for the *Sebastes* complex north of Cape Mendocino, which may not be exceeded. Consequently, the monthly cumulative limits for canary rockfish, yellowtail rockfish, black rockfish

and blue rockfish, and other *Sebastes* complex species north of Cape Mendocino cannot all be achieved. Similarly, any of the southern *Sebastes* complex species, including canary rockfish and bocaccio, could contribute as much as 500 lb (227 kg) of the 500-lb (227 kg) southern *Sebastes* limit, but only if no other *Sebastes* complex species were taken and retained, possessed or landed.

\* \* \* \* \*

(e) *Chilipepper.* The cumulative monthly limit for chilipepper south of Cape Mendocino is 3,000 lb (1,361 kg) per vessel.

\* \* \* \* \*

(2) \* \* \*

(a) \* \* \*

(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 2,700 lb (1,225 kg) per calendar month.

\* \* \* \* \*

(3) *Lingcod.* Lingcod may not be taken and retained, possessed or landed by any open access gear, including exempted trawl gear, coastwide.

\* \* \* \* \*

**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 trip limit period begins on October 1, 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 trip limit period to avoid confusion and to 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: October 1, 1999.

**Bruce C. Morehead,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
[FR Doc. 99-26100 Filed 10-1-99; 4:16 pm]

BILLING CODE 3510-22-P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[I.D. 100199B]

#### Fisheries of the Exclusive Economic Zone Off Alaska; Overfished Fisheries

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

**ACTION:** Notification of overfished fishery.

**SUMMARY:** NMFS has identified Bering Sea snow crab (*Chionoecetes opilio*) and St. Matthew blue king crab (*Paralithodes platypus*) as overfished. This document is intended to notify the public that the North Pacific Fishery Management Council (Council) has been informed that these stocks are overfished and has been directed to initiate action to end overfishing and

rebuild the stocks. This notification is necessary to comply with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), which requires identification of overfished stocks and subsequent implementation of management measures to rebuild overfished stocks.

**FOR FURTHER INFORMATION CONTACT:**  
Gretchen Harrington, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** Section 304(e) of the Magnuson-Stevens Act requires that, if the Secretary of Commerce (Secretary) determines that a fishery is overfished, the Secretary shall immediately notify the appropriate fishery management council and request that action be taken to end overfishing in the fishery and to implement conservation and management measures to rebuild affected stocks. The fishery management council has 1 year from the date of notification to prepare a plan to end overfishing in the fishery and to rebuild affected stocks.

On March 3, 1999, the Secretary approved Amendment 7 to the Fishery Management Plan for the Bering Sea/Aleutian Islands King and Tanner Crabs (64 FR 11390, March 9, 1999). Pursuant to section 303(a)(10) of the Magnuson-Stevens Act, and the national standard guidelines (50 CFR part 600), the amendment revised the definitions of overfishing, maximum sustainable yield, and optimum yield for the king and Tanner crab fisheries in the Bering Sea/Aleutian Islands.

Based on an analysis of the 1999 NMFS Eastern Bering Sea trawl survey data, the Bering Sea snow crab spawning biomass and the St. Matthew blue king crab spawning biomass are below the minimum stock size threshold defined for these stocks, and are thus deemed overfished.

Pursuant to section 304 of the Magnuson-Stevens Act, NMFS notified Mr. Richard B. Lauber, Council Chairman, by letter on September 24, 1999, that these crab stocks are overfished, as follows:

Mr. Richard B. Lauber, Chairman  
North Pacific Fishery Management Council  
605 West 4th Avenue, Suite 306  
Anchorage, Alaska 99501-2252  
Dear Mr. Lauber:

Amendment 7 to the Fishery Management Plan for the Bering Sea/Aleutian Islands King and Tanner Crabs (FMP) revised the definitions of overfishing for the FMP crab species. This action was necessary for compliance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and will advance the Council's ability to achieve, on a continuing basis, the optimum yield from fisheries under its jurisdiction.

Based on an analysis of the 1999 NMFS Eastern Bering Sea trawl survey data, we determine Bering Sea snow crab (*Chionoecetes opilio*) and St. Matthew blue king crab (*Paralithodes platypus*) to be overfished because the total spawning biomass of each stock is below the minimum stock size threshold specified in the new overfishing definitions. A copy of this analysis is attached.

This letter serves as your official notification that snow crab and St. Matthew blue king crab are overfished. Section 304(e) of the Magnuson-Stevens Act states that a council will have one year from notification of the overfished status of a stock to prepare and submit conservation and management measures to end overfishing and rebuild the affected stock. The rebuilding program must be as short as possible, but not exceed 10 years, except if the biology of the stock or other environmental conditions dictate otherwise.

Sincerely,  
Steven Pennoyer,  
Administrator, Alaska Region

Dated: September 30, 1999.

**Bruce C. Morehead,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
[FR Doc. 99-26216 Filed 10-7-99; 8:45 am]

BILLING CODE 3510-22-F

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 990304062-9062-01; I.D. 100599C]

#### Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Inshore Component in the Central Regulatory Area of the Gulf of Alaska

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

**ACTION:** Closure.

**SUMMARY:** NMFS is prohibiting directed fishing for Pacific cod by vessels catching Pacific cod for processing by the inshore component in the Central Regulatory Area of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the 1999 Pacific cod total allowable catch (TAC) allocated to vessels catching Pacific cod for processing by the inshore component of the Central Regulatory Area of the GOA.

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), October 5, 1999, until 2400 hrs, A.l.t., December 31, 1999.