

FEDERAL COMMUNICATIONS COMMISSION**47 CFR Part 73**

[DA 99-2353; MM Docket No. 99-321; RM-9733]

Radio Broadcasting Services; Grand Isle and Empire, LA**AGENCY:** Federal Communications Commission.**ACTION:** Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed on behalf of Blue Dolphin Communications, Inc., permittee of Station KBIL(FM), Channel 283A, Grand Isle, Louisiana, requesting the substitution of Channel 283C2 for Channel 283A, the reallocation of Channel 283C2 to Empire, Louisiana, as that community's first local aural transmission service, and modification of its authorization accordingly. Coordinates used for this proposal are 29-29-07 NL and 89-46-39 WL.

DATES: Comments must be filed on or before December 20, 1999, and reply comments on or before January 4, 2000.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: William J. Pennington, III, Esq., Post Office Box 403, Westfield, MA 01086.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 99-321, adopted October 20, 1999, and released October 29, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center (Room CY-A257), 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857-3800.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this

one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 99-28853 Filed 11-3-99; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION**47 CFR Parts 73 and 90**

[RM-9719, DA 99-2351]

Transmission of Emergency Signals on Channel 200; Extension of Time for Reply Comments**AGENCY:** Federal Communications Commission.**ACTION:** Proposed rule; extension of comment period.

SUMMARY: The Federal Communications Commission extended the period for filing replies to comments filed in response to a petition for rulemaking requesting the Commission to amend its rules to allocate Channel 200 (87.9 MHz) for the use and operation of an Emergency Radio Data System.

DATES: Reply comments are due on or before November 8, 1999.

FOR FURTHER INFORMATION CONTACT: Catherine Fox of the Wireless Telecommunications Bureau, Public Safety and Private Wireless Division, Policy and Rules Branch, (202) 418-0680. TTY: (202) 418-7233.

SUPPLEMENTARY INFORMATION:

1. On August 2, 1999, the Commission received a petition for rulemaking (Petition) filed by Federal Signal Corporation (Federal Signal) requesting that the Commission amend its rules to allocate Channel 200 (87.9 MHz) for the use and operation of an Emergency Radio Data System (ERDS) by public safety licensees. On September 14, 1999, the Commission issued a *Public Notice* instructing parties interested in commenting on Federal Signal's Petition to do so within thirty days (*i.e.*, by October 14, 1999). Consequently, Federal Signal had until October 29, 1999, to file reply comments. On October 25, 1999, the Commission received a Motion for Extension of Time filed by Federal Signal.

2. Federal Signal requests that the Commission grant a ten day extension of time until November 8, 1999, for filing

a reply to those comments filed in opposition to its Petition. Federal Signal maintains that several of the comments raise technical and engineering concerns that will require considerable preparation by its consulting engineers, and that an additional ten-days would afford it more adequate time to prepare a full and complete reply in order that the Commission may develop as complete a record as possible. In addition, Federal Signal only recently became apprised of comments which were filed with the Commission, but not served on Federal Signal's counsel as required by § 1.405(a) of the Commission's rules. Finally, Federal Signal indicates that no party will be prejudiced by grant of a ten-day extension.

3. It is the policy of the Commission that extensions of time are not routinely granted. Upon review, however, we agree that a ten-day extension, until November 8, 1999, would afford Federal Signal the necessary time to prepare and file a responsive and complete reply in this proceeding.

4. Accordingly, *it is hereby ordered* that, pursuant to § 1.46 of the Commission's rules, 47 CFR 1.46, the Motion for Extension of Time filed by Federal Signal on October 25, 1999, *is granted*. Parties shall file reply comments no later than November 8, 1999.

5. This action is taken under delegated authority pursuant to §§ 0.131 and 0.331 of the Commission's rules.

Federal Communications Commission.

Herb Zeiler,

Deputy Chief, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau.

[FR Doc. 99-28796 Filed 11-3-99; 8:45 am]

BILLING CODE 6712-01-P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 622**

[Docket No. 991008273-9273-01; I.D. 062399B]

RIN 0648-AK89

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Amendment 9

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

ACTION: Proposed rule, request for comments.

SUMMARY: NMFS issues this proposed rule to implement Amendment 9 to the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic (Amendment 9). For Gulf migratory group king mackerel, this rule would establish a moratorium on issuance of gillnet endorsements that would include eligibility criteria and restrictions on transferability of endorsements; restrict the area in which the gillnet fishery could operate; reallocate the eastern zone quota between the Florida east coast and Florida west coast subzones; and divide the Florida west coast subzone into northern and southern subzones with respective quotas. This rule also would allow retention and sale of cut-off (damaged) king and Spanish mackerel that are greater than the minimum size limits and possessed within the trip limits. The intended effect of this rule would be to protect king and Spanish mackerel from overfishing and maintain healthy stocks while still allowing catches by important commercial and recreational fisheries.

DATES: Comments must be received at the appropriate address or fax number, (see ADDRESSES), no later than 5:00 p.m., eastern standard time, on December 20, 1999.

ADDRESSES: Written comments on the rule should be sent to Steve Branstetter, Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702. Comments also may be sent via fax to 727-570-5583. Comments will not be accepted if submitted via e-mail or Internet.

Comments regarding the collection-of-information requirements contained in this rule should be sent to Edward E.

Burgess, Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702, and to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20503 (Attention: NOAA Desk Officer).

Copies of Amendment 9, which includes an environmental assessment and a regulatory impact review (RIR), and copies of a minority report submitted by one Gulf Council member may be obtained from the Gulf of Mexico Fishery Management Council, Suite 1000, 3018 U.S. Highway 301 North, Tampa, FL 33619; Phone: 813-228-2815; Fax: 813-225-7015; E-mail: gulf.council@noaa.gov; or from the South Atlantic Fishery Management Council, Southpark Building, One Southpark Circle, Suite 306, Charleston, SC 29407-4699; Phone: 843-571-4366; Fax: 843-769-4520; E-mail: safmc@noaa.gov.

FOR FURTHER INFORMATION CONTACT: Steve Branstetter, 727-570-5305.

SUPPLEMENTARY INFORMATION: The fisheries for coastal migratory pelagic resources are managed under the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic (FMP). The FMP was prepared jointly by the Gulf of Mexico Fishery Management Council and the South Atlantic Fishery Management Council (Councils), approved by NMFS, and implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

Hook-and-Line Fishery - Florida West Coast Subzone

To prevent disproportionate commercial harvest of Gulf group king

mackerel by northwest and southwest components of the hook-and-line fishery, this rule proposes to subdivide the Florida west coast subzone and establish separate quotas for the proposed northern and southern subzones described here. The southern boundary of the southern subzone would change along with the seasonal boundaries that separate the Gulf and Atlantic migratory groups of king mackerel.

The southern subzone would extend from the Lee/Collier County line to the Monroe/Dade County line (i.e., off Collier and Monroe Counties) from November 1 through March 31, and from the Lee/Collier County line to the Collier/Monroe County line (i.e., off Collier County) from April 1 through October 31. The northern subzone would extend from the Alabama/Florida boundary to the Lee/Collier County line year-round.

NMFS would establish a quota for the proposed northern subzone by allocating 7.5 percent of the eastern zone quota to the northern subzone. NMFS would allocate the remaining portion (92.5 percent) of the eastern zone quota according to percentages prescribed in the FMP (i.e., 50 percent each to the Florida east coast subzone and southern west coast subzone, the latter being divided equally between harvesters using hook-and-line gear and run-around gillnets). This proposed measure would reallocate the eastern zone quota between the Florida east and west coast subzones from the current east/west ratio of 50/50 to 46.25/53.75, respectively. Existing and proposed quotas of Gulf group king mackerel for the Florida east and west coast subzones are listed here based on the current eastern zone quota level of 2,340,000 lb (1,061,406 kg).

QUOTAS

SUBZONE	CURRENT		PROPOSED	
	lb	kg	lb	kg
East Coast	1,170,000	530,703	1,082,250	490,900
West Coast	1,170,000	530,703	1,257,750	570,506
Hook-and-Line	585,000	265,352		
Run-Around Gillnet	585,000	265,352		
Northern Subzone				
Hook-and-Line			175,500	79,606
Southern Subzone			1,082,250	490,900
Hook-and-Line			541,125	245,450
Run-Around Gillnet			541,125	245,450

The Councils consider the proposals to subdivide the Florida west coast subzone into separate northern and southern subzones and to provide each

a quota for vessels using hook-and-line gear a reasonable approach to allocate equitably the eastern zone quota between the fishery components

harvesting in the northern and southern subzones. Separate quotas would prevent the northwest Florida Panhandle fishery from taking all or

most of the quota before Gulf group king mackerel migrate south to overwintering grounds off southwest Florida and the Florida Keys where almost all of the Florida west coast harvest has been taken historically. When this occurred previously, NMFS published an emergency rule (60 FR 7134, February 7, 1995) that added 300,000 lb (136,078 kg) to the quota and reopened the fishery during the 1994/95 fishing year under a 125-fish trip limit to avert a potential socioeconomic crisis for southwest Florida fishing communities. Consequently, with no other viable alternatives available to avoid a future recurrence of this situation, the Councils believe that the proposals are necessary until more practicable and less cumbersome management options become available.

Run-Around Gillnet Fishery—Florida West Coast Subzone

To prevent expansion of the run-around gillnet fishery for Gulf group king mackerel in the southern Florida west coast subzone, this rule proposes several measures while the Councils consider future management strategies. A king mackerel gillnet endorsement, issued by NMFS with some commercial vessel permits for king mackerel, is required to harvest king mackerel under the run-around gillnet quota. This rule proposes that gillnet endorsements not be issued to new applicants, be reissued only to those vessels that meet the stipulated criteria, and be transferred only to another vessel owned by the same entity or to immediate family members (i.e., husband, wife, son, daughter, brother, sister, father, or mother) to allow for gillnet harvest by historical participants during the proposed moratorium.

Under the moratorium, an initial king mackerel gillnet endorsement would be issued only if: (1) The vessel owner was the owner of a vessel with a commercial mackerel permit with a gillnet endorsement on or before October 16, 1995 (the control date for the Gulf and South Atlantic king mackerel fisheries); and (2) the vessel owner was the owner of a vessel that had gillnet landings of Gulf migratory group king mackerel in one of the two fishing years, July 1, 1995, through June 30, 1996, or July 1, 1996, through June 30, 1997. Such landings must have been documented by NMFS or by the Florida Department of Environmental Protection trip ticket system as of December 31, 1997. Only landings when a vessel had a valid commercial permit for king mackerel with a gillnet endorsement, and only landings that were harvested, landed, and sold in compliance with State and

Federal regulations may be used to establish eligibility. NMFS would not issue an owner more initial king mackerel gillnet endorsements under the moratorium than the number of vessels with king mackerel gillnet endorsements that the owner owned simultaneously on or before the control date, October 16, 1995.

Under the moratorium, NMFS would also issue a gillnet endorsement to the owner of a vessel that received a commercial king mackerel permit through transfer, between March 4, 1998, and the date of publication of the final rule implementing the moratorium, from a vessel that met the eligibility requirements for an initial gillnet endorsement as specified under the moratorium.

Under the proposed moratorium, an owner or operator of a vessel that does not have a king mackerel gillnet endorsement on the date the final rule implementing Amendment 9 is published in the **Federal Register** could submit an application to NMFS to obtain a king mackerel gillnet endorsement within 90 days from that date. NMFS would make application forms available. After the 90-day period has expired, NMFS would no longer accept applications for king mackerel gillnet endorsements other than renewal applications.

Also, to prevent further expansion of the gillnet fishery, this rule proposes to restrict the operational area within which qualified vessels may fish under the run-around gillnet quota to the proposed southern subzone. Currently, run-around gillnets may be used to harvest Gulf group king mackerel under prescribed trip limits anywhere in the exclusive economic zone (EEZ) from off Texas through the seasonal boundaries of the Florida east coast subzone.

The Councils have determined that the moratorium is necessary during an interim period while the Councils determine the biological, fishery management, socioeconomic, and state/Federal impacts of maintaining or phasing out this fishery segment. The Councils believe that limiting the number of participants in the gillnet fishery is imperative to prevent expansion, overcapitalization, and quota overruns. Issuing permits only to owners of vessels that can demonstrate landings under the run-around gillnet quota during the designated fishing years and allowing transfer of gillnet endorsements only to family members would restrict participation to businesses and families that historically have been dependent on this fishery. Restricting the use of run-around gillnets to the southern subzone would

also decrease the opportunity for user conflicts and the likelihood of interactions with northern right whales calving and nursing off the northeast Florida (east coast subzone) overwintering grounds.

Possession and Sale of Cut-Off Fish

For both the Atlantic and Gulf groups of king and Spanish mackerel, this rule proposes to allow the retention and sale of cut-off (damaged) fish that meet the minimum size limit and that are taken and possessed within the established commercial trip limits. This would not affect the current regulatory provision that allows a maximum of five cut-off (damaged) king mackerel to be possessed in the Gulf, Mid-Atlantic, or South Atlantic EEZ on vessels operating under commercial trip limits. Such fish are not counted against the trip limits, are not subject to the minimum size limit, and may not be sold or purchased.

The Councils recommended these changes after reconsidering the regulations for cut-off king mackerel implemented under Amendment 8 (63 FR 10561, March 4, 1998) to the FMP. Because both cut-off king and Spanish mackerel have food and market value, the Councils now believe that the regulations should allow for their possession, landing, and sale, provided that the cut-off fish comply with the minimum size limits and that fishermen do not exceed applicable trip limits. Such changes potentially will increase revenue, decrease wastage, and increase accuracy of fishing mortality estimates. Nevertheless, the Councils realize that such benefits may not be realized in situations where fishermen may have the opportunity to discard cut-off fish, replacing them with more valuable whole fish that would be retained and sold under the trip limits.

Management Measures Proposed by the Councils for Gulf Group King Mackerel Not Included in this Proposed Rule

Two management actions proposed by the Councils for Gulf group king mackerel are not included in this proposed rule because they have already been implemented by another rule. These two management measures are a 3,000-lb (1,361-kg) trip limit for vessels fishing under the commercial quota in the western zone (Texas through Alabama) and an increase in the minimum size limit from 20 inches to 24 inches (50.8 cm to 61.0 cm). These measures were published as part of a proposed rule (64 FR 29622, June 2, 1999) implementing mackerel specifications under the FMP framework procedure for adjusting management measures and were subject

to public comment. After considering the public comment, NMFS approved those measures and implemented them through a final rule (64 FR 45457, August 20, 1999). Consequently, to avoid redundancy and confusion, these two measures and associated text are not included in this proposed rule.

Change Proposed by NMFS

NMFS is proposing a clarification of one aspect of the Council's proposal in Amendment 9 regarding eligibility for a king mackerel gillnet endorsement under the proposed moratorium. As an exception to the basic eligibility requirements, the Council proposed that a vessel that received a king mackerel permit through transfer, between February 12, 1996, and the date of publication of the final rule implementing these regulations, from a vessel that was qualified for an initial king mackerel gillnet endorsement would qualify for an initial king mackerel gillnet endorsement. The Council selected the date of February 12, 1996, because that was the end of the 1995/1996 fishing season. However, king mackerel permits were not transferable until March 4, 1998. Therefore, in § 622.4(o)(2) of this proposed rule, NMFS has modified the date concerning king mackerel permit transfer from February 12, 1996, to March 4, 1998, to accurately reflect the period during which king mackerel permits could have been transferred.

Classification

The Administrator, Southeast Region, NMFS, has determined on October 7, 1999, that Amendment 9 is necessary for the conservation and management of the FMP and that it is consistent with the Magnuson-Stevens Act and other applicable laws.

This proposed rule has been determined to be not significant for purposes of E.O. 12866.

The Chief Counsel for Regulation of the Department of Commerce has certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities as follows:

The proposed rule contains provisions to change the allocation of Gulf group king mackerel from the present formula of 50 percent for each coast of Florida to 46.15 percent east coast and 53.85 percent west coast; to establish Florida west coast hook-and-line subzone percentage allocations based on historical catches in the subzones; to establish a moratorium on the issuance of new king mackerel gillnet endorsements for the Florida west coast; and, to allow retention and sale of "cut off" king and

Spanish mackerel ("cut off" refers to fish that are damaged by predators while being landed). In aggregate these proposals could potentially affect a maximum of 987 permitted commercial small business entities that operate in the areas where the proposed actions will be effective. However, the economic effects will be small. The proposal to reallocate king mackerel for the east and west coasts of Florida will result in a maximum redistribution of about 118,000 lb. (53,524 kg) of king mackerel worth about \$147,000 in favor of the west coast fishermen. The official west coast allocation of 1,170,000 lb. (530,703 kg) has an exvessel value of about \$1.46 million, so there would be roughly a 10 percent revenue effect if the redistribution actually occurs. However, this effect will not be realized because the west coast historically exceeds its quota by an amount well in excess of the proposed reallocation. Hence, the redistribution of quota will not likely result in an increase in revenue for the west coast fishermen. For the east coast fishermen, the change will also likely be small or zero because other restrictive rules have recently been implemented for the east coast. According to information contained in the Regulatory Impact Review (RIR), these restrictive rules effectively curtail east coast landings by an amount greater than implied by the redistribution of landings, and landings for the most recent fishing season were 267,000 lb. (121,109 kg) below quota. Accordingly, the quota would not likely be met if the reallocation goes into effect because the implied reallocation is 117,000 lb. (53,070 kg) or less than half the current quota shortfall. The proposal for an official percentage allocation of the Florida west coast hook-and-line quota by subzone will have no effect because the allocations would be set based on historical catches in the subzones. The moratorium on the issuance of new king mackerel gillnet endorsements for the Florida west coast is expected to have no effect or only a minor effect on landings because the current gillnet quota for king mackerel is met very early in the season. Also, the RIR indicates that the gillnet fishery is not very profitable at the current time due to restrictive trip limits and the current level of TAC and subquotas. Gillnet gear tends to become more profitable when trip limits are high enough to make that gear efficient. Hence, few, if any, new entrants would be expected under the present scenario. However, as the fishery continues to recover, the TAC would be expected to rise and some of the current trip limit regulations could be relaxed to the point where the use of gillnet gear becomes more profitable and additional entry might be expected. The current number of gillnet operations could take their portion of a higher TAC with larger trip limits and the Councils do not desire to encourage additional fishing effort. Accordingly, and as a precautionary measure to discourage new effort, a moratorium on new gillnet endorsements has been proposed. The provision to allow the retention of "cut off" king and Spanish mackerel will have little or no impact because current rules allow the retention of five "cut off" fish in addition to existing trip limits, and the new provision

merely allows the retention of additional "cut off" fish if the fishermen choose to do so. However, this would occur only when the trip limits would not otherwise be met because the "cut off" fish have a reduced market value and any number over five would count against the trip limit. Hence, there is not much incentive to retain these fish, and the expected result is a very minor, approaching nil, increase in revenue attributed to the retention of more than five "cut off" fish for the few number of trips that might be affected. The overall conclusion is that the proposed rule, if implemented, will not have a significant impact on a substantial number of small business entities, and this conclusion applies to the actions considered singly or in aggregate.

As a result, a regulatory flexibility analysis was not required.

Notwithstanding any other provision of law, no person is required to respond to, nor shall a person be subject to a penalty for failure to comply with, a collection-of-information subject to the requirements of the Paperwork Reduction Act (PRA) unless that collection of information displays a currently valid OMB control number.

This rule includes a collection-of-information requirement regarding applications for an initial king mackerel gillnet endorsement. That collection of information is currently approved under OMB control no. 0648-0205 and its public reporting burden is estimated at 20 minutes per response. This reporting burden estimate includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collections of information.

Public comment is sought regarding whether this proposed collection-of-information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the burden estimate; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collection of information, including through the use of automated collection techniques or other forms of information technology. Send comments on these, or any other aspects of the collection of information, to NMFS and OMB (see ADDRESSES).

List of Subjects in 50 CFR Part 622

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

Dated: October 29, 1999.

Andrew A. Rosenberg,

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

For the reasons set out in the preamble, 50 CFR part 622 is proposed to be 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 § 622.4, paragraphs (a)(2)(ii) through (a)(2)(iv), the first sentence of paragraph (g), and paragraph (o) are revised to read as follows:

§ 622.4 Permits and fees.

(a) * * *

(2) * * *

(ii) *Gillnets for king mackerel in the southern Florida west coast subzone.* For a person aboard a vessel to use a run-around gillnet for king mackerel in the southern Florida west coast subzone (see § 622.42(c)(1)(i)(A)(3)), a commercial vessel permit for king mackerel with a gillnet endorsement must have been issued to the vessel and must be on board. See paragraph (o) of this section regarding a moratorium on endorsements for the use of gillnets for king mackerel in the southern Florida west coast subzone and restrictions on transferability of king mackerel gillnet endorsements.

(iii) *King mackerel.* For a person aboard a vessel to be eligible for exemption from the bag limits and to fish under a quota for king mackerel in or from the Gulf, Mid-Atlantic, or South Atlantic EEZ, a commercial vessel permit for king mackerel must have been issued to the vessel and must be on board. To obtain or renew a commercial vessel permit for king mackerel valid after April 30, 1999, at least 25 percent of the applicant's earned income, or at least \$10,000, must have been derived from commercial fishing (i.e., harvest and first sale of fish) or from charter fishing during one of the 3 calendar years preceding the application. See paragraph (q) of this section regarding a moratorium on commercial vessel permits for king mackerel, initial permits under the moratorium, transfers of permits during the moratorium, and limited exceptions to the earned income or gross sales requirement for a permit.

(iv) *Spanish mackerel.* For a person aboard a vessel to be eligible for exemption from the bag limits and to fish under a quota for Spanish mackerel in or from the Gulf, Mid-Atlantic, or

South Atlantic EEZ, a commercial vessel permit for Spanish mackerel must have been issued to the vessel and must be on board. To obtain or renew a commercial vessel permit for Spanish mackerel valid after April 30, 1999, at least 25 percent of the applicant's earned income, or at least \$10,000, must have been derived from commercial fishing (i.e., harvest and first sale of fish) or from charter fishing during one of the 3 calendar years preceding the application.

* * * * *

(g) *Transfer.* A vessel permit, license, or endorsement or dealer permit issued under this section is not transferable or assignable, except as provided in paragraph (m) of this section for a commercial vessel permit for Gulf reef fish, in paragraph (n) of this section for a fish trap endorsement, in paragraph (o) of this section for a Gulf king mackerel gillnet endorsement, in paragraph (p) of this section for a red snapper license, in paragraph (q) of this section for a king mackerel permit, in § 622.17(c) for a commercial vessel permit for golden crab, or in § 622.18(e) for a commercial vessel permit for South Atlantic snapper-grouper. * * *

* * * * *

(o) *Moratorium on endorsements for the use of gillnets for king mackerel in the southern Florida west coast subzone.* (1) Effective on the date of publication of the final rule that contains this paragraph (o)(1), an initial king mackerel gillnet endorsement will be issued only if—

(i) The vessel owner was the owner of a vessel with a commercial mackerel permit with a gillnet endorsement on or before October 16, 1995; and

(ii) The vessel owner was the owner of a vessel that had gillnet landings of Gulf migratory group king mackerel in one of the two fishing years, July 1, 1995 through June 30, 1996 or July 1, 1996 through June 30, 1997. Such landings must have been documented by NMFS or by the Florida Department of Environmental Protection trip ticket system as of December 31, 1997. Only landings when a vessel had a valid commercial permit for king mackerel with a gillnet endorsement and only landings that were harvested, landed, and sold in compliance with state and Federal regulations may be used to establish eligibility.

(2) Paragraphs (o)(1)(i) and (o)(1)(ii) of this section notwithstanding, the owner of a vessel that received a commercial king mackerel permit through transfer, between March 4, 1998, and the date of publication of the final rule that contains this paragraph (o)(2), from a

vessel that met the requirements in paragraphs (o)(1)(i) and (o)(1)(ii) also qualifies for an initial king mackerel gillnet endorsement.

(3) To obtain an initial king mackerel gillnet endorsement under the moratorium, an owner or operator of a vessel that does not have a king mackerel gillnet endorsement on the date of publication of the final rule that contains this paragraph (o)(3) must submit an application to the RD, postmarked or hand delivered not later than 90 days after the date of publication of the final rule that contains this paragraph (o)(3). Except for applications for renewals of king mackerel gillnet endorsements, no applications for king mackerel gillnet endorsements will be accepted after the date that is 90 days after the date of publication of the final rule that contains this paragraph (o)(3). Application forms are available from the RD.

(4) The RD will not issue an owner more initial king mackerel gillnet endorsements under the moratorium than the number of vessels with king mackerel gillnet endorsements that the owner owned simultaneously on or before October 16, 1995.

(5) An owner of a vessel with a king mackerel gillnet endorsement issued under this moratorium may transfer that endorsement upon a change of ownership of a permitted vessel with such endorsement from one to another of the following: Husband, wife, son, daughter, brother, sister, mother, or father. Such endorsement also may be transferred to another vessel owned by the same entity.

(6) A king mackerel gillnet endorsement that is not renewed or that is revoked will not be reissued. An endorsement is considered to be not renewed when an application for renewal is not received by the RD within 1 year of the expiration date of the permit that includes the endorsement.

* * * * *

3. In § 622.38, paragraph (g) is revised to read as follows:

§ 622.38 Landing fish intact .

* * * * *

(g) Cut-off (damaged) king or Spanish mackerel that comply with the minimum size limits in § 622.37(c)(2) and (c)(3), respectively, and the trip limits in § 622.44(a) and (b), respectively, may be possessed in the Gulf, Mid-Atlantic, or South Atlantic EEZ on, and offloaded ashore from, a vessel that is operating under the respective trip limits. Such cut-off fish also may be sold. A maximum of five

additional cut-off (damaged) king mackerel, not subject to the size limits or trip limits, may be possessed or offloaded ashore but may not be sold or purchased and are not counted against the trip limit.

4. In § 622.41, paragraphs (c)(1)(ii) and (c)(2)(iv) are revised to read as follows:

§ 622.41 Species specific limitations.

* * * * *

- (c) * * *
(1) * * *

(ii) King mackerel, Gulf migratory group—hook-and-line gear and, in the southern Florida west coast subzone only, run-around gillnet. (See § 622.42(c)(1)(i)(A)(3) for a description of the southern Florida west coast subzone.)

* * * * *

- (2) * * *

(iv) Exception for king mackerel in the Gulf EEZ. The provisions of this paragraph (c)(2)(iv) apply to king mackerel taken in the Gulf EEZ and to such king mackerel possessed in the Gulf. Paragraph (c)(2)(iii) of this section notwithstanding, a person aboard a vessel that has a valid commercial permit for king mackerel is not subject to the bag limit for king mackerel when the vessel has on board on a trip unauthorized gear other than a drift gillnet in the Gulf EEZ, a long gillnet, or a run-around gillnet in an area other than the southern Florida west coast subzone. Thus, the following applies to a vessel that has a commercial permit for king mackerel:

(A) Such vessel may not use unauthorized gear in a directed fishery for king mackerel in the Gulf EEZ.

(B) If such a vessel has a drift gillnet or a long gillnet on board or a run-around gillnet in an area other than the southern Florida west coast subzone, no king mackerel may be possessed.

(C) If such a vessel has unauthorized gear on board other than a drift gillnet in the Gulf EEZ, a long gillnet, or a run-around gillnet in an area other than the southern Florida west coast subzone, the possession of king mackerel taken incidentally is restricted only by the closure provisions of § 622.43(a)(3) and the trip limits specified in § 622.44(a). See also paragraph (c)(4) of this section regarding the purse seine incidental catch allowance of king mackerel.

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5. In § 622.42, paragraphs (c)(1)(i)(A)(1) through (c)(1)(i)(A)(3) are revised to read as follows:

§ 622.42 Quotas.

* * * * *

- (c) * * *
(1) * * *
(i) * * *

(A) * * *
(1) Florida east coast subzone—1,082,250 lb (490,900 kg).

(2) Florida west coast subzones—(i) Southern—1,082,250 lb (490,900 kg), which is further divided into a quota of 541,125 lb (245,450 kg) for vessels fishing with hook-and-line and a quota of 541,125 lb (245,450 kg) for vessels fishing with run-around gillnets.

(ii) Northern—175,500 lb (79,606 kg).

(3) Description of Florida subzones.

The Florida east coast subzone is that part of the eastern zone north of 25°20.4' N. lat., which is a line directly east from the Dade/Monroe County, FL, boundary. The Florida west coast subzone is that part of the eastern zone south and west of 25°20.4' N. lat. The Florida west coast subzone is further divided into southern and northern subzones. From November 1 through March 31, the southern subzone is that part of the Florida west coast subzone that extends south and west from 25°20.4' N. lat. to 26°19.8' N. lat., a line directly west from the Lee/Collier County, FL boundary (i.e., the area off Collier and Monroe Counties). From April 1 through October 31, the southern subzone is that part of the Florida west coast subzone that is between 26°19.8' N. lat. and 25°48' N. lat., which is a line directly west from the Monroe/Collier County, FL, boundary (i.e., off Collier County). The northern subzone is that part of the Florida west coast subzone that is between 26°19.8' N. lat. and 87°31'06'' W. long., which is a line directly south from the Alabama/Florida boundary.

* * * * *

6. In § 622.44, paragraphs (a)(2)(i) and (a)(2)(ii) are revised to read as follows:

§ 622.44 Commercial trip limits.

* * * * *

- (a) * * *
(2) * * *

(i) Eastern zone-Florida east coast subzone. In the Florida east coast subzone, king mackerel in or from the EEZ may be possessed on board or landed from a vessel for which a commercial permit for king mackerel has been issued, as required under § 622.4(a)(2)(iii), from November 1 each fishing year until the subzone's fishing year quota of king mackerel has been harvested or until March 31, whichever occurs first, in amounts not exceeding 50 fish per day.

(ii) Eastern zone-Florida west coast subzone—(A) Gillnet gear. (1) In the southern Florida west coast subzone, king mackerel in or from the EEZ may be possessed on board or landed from a

vessel for which a commercial permit with a gillnet endorsement has been issued, as required under § 622.4(a)(2)(ii), from July 1, each fishing year, until a closure of the southern Florida west coast subzone's fishery for vessels fishing with run-around gillnets has been effected under § 622.43(a)—in amounts not exceeding 25,000 lb (11,340 kg) per day.

(2) In the southern Florida west coast subzone:

(i) King mackerel in or from the EEZ may be possessed on board or landed from a vessel that uses or has on board a run-around gillnet on a trip only when such vessel has on board a commercial permit for king mackerel with a gillnet endorsement.

(ii) King mackerel from the southern west coast subzone landed by a vessel for which such commercial permit with endorsement has been issued will be counted against the run-around gillnet quota of § 622.42(c)(1)(i)(A)(2)(j).

(iii) King mackerel in or from the EEZ harvested with gear other than run-around gillnet may not be retained on board a vessel for which such commercial permit with endorsement has been issued.

(B) Hook-and-line gear. In the Florida west coast subzone, king mackerel in or from the EEZ may be possessed on board or landed from a vessel with a commercial permit for king mackerel, as required by § 622.4(a)(2)(iii), and operating under the hook-and-line gear quotas in § 622.42(c)(1)(i)(A)(2)(i) or (c)(1)(i)(A)(2)(ii):

(1) From July 1, each fishing year, until 75 percent of the respective northern or southern subzone's hook-and-line gear quota has been harvested—in amounts not exceeding 1,250 lb (567 kg) per day.

(2) From the date that 75 percent of the respective northern or southern subzone's hook-and-line gear quota has been harvested, until a closure of the respective northern or southern subzone's fishery for vessels fishing with hook-and-line gear has been effected under § 622.43(a)—in amounts not exceeding 500 lb (227 kg) per day.

* * * * *

7. In § 622.45, paragraph (h) is revised to read as follows:

§ 622.45 Restrictions on sale/purchase.

* * * * *

(h) Cut-off (damaged) king or Spanish mackerel. A person may not sell or purchase a cut-off (damaged) king or Spanish mackerel that does not comply with the minimum size limits specified in § 622.37(c)(2) or (c)(3), respectively, or that is in excess of the trip limits

specified in § 622.44(a) or (b), respectively.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[I.D. 102699B]

Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands; Amendment 58 to Revise the Chinook Salmon Savings Area

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

ACTION: Notice of availability of an amendment to a fishery management plan; request for comments.

SUMMARY: The North Pacific Fishery Management Council (Council) has submitted Amendment 58 to the Fishery Management Plan for the Groundfish Fishery in the Bering Sea and Aleutian Islands Area (FMP) for Secretary of Commerce review. The intended effect of this amendment is to reduce bycatch of chinook salmon by trawl fisheries in the Bering Sea Aleutian Islands Area (BSAI).

DATES: Comments on Amendment 58 must be submitted by January 3, 2000.

ADDRESSES: Comments on Amendment 58 should be submitted to Sue Salvesson, Assistant Regional Administrator for Sustainable Fisheries, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK

99802, Attn: Lori Gravel, or delivered to the Federal Building, 709 West 9th Street, Juneau, AK. Comments will not be accepted if submitted by e-mail or Internet. Copies of Amendment 58 and the Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis prepared for this action may be obtained from the same address or by calling the Alaska Region, NMFS, at 907-586-7228.

FOR FURTHER INFORMATION CONTACT:

Shane Capron, 907-586-7228 or shane.capron@noaa.gov.

SUPPLEMENTARY INFORMATION: To reduce bycatch of chinook salmon by trawl fisheries in the BSAI, the Council recommended changes to both the FMP and the regulations implementing it. Amendment 58 would revise the FMP's management measures for chinook salmon by (1) removing the prohibited species catch (PSC) limit of 48,000 chinook salmon from the FMP and replacing it with a framework that would allow NMFS to establish the chinook PSC limit through regulations; and (2) revising the boundaries of the chinook salmon savings area (CHSSA).

The Council also recommended that NMFS use the framework proposed in Amendment 58 to reduce the chinook PSC limit from 48,000 to 29,000 salmon over a 4-year period, to implement year-round accounting of chinook salmon bycatch in the pollock fishery beginning on January 1 of each year, to revise the boundaries of the CHSSA, and to set new CHSSA closure dates.

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requires that each Regional Fishery Management Council submit any fishery management plan (FMP) or FMP amendment it

prepares to NMFS for review and approval, disapproval, or partial approval. The Magnuson-Stevens Act also requires that NMFS, upon receiving an amendment, immediately publish a notification in the **Federal Register** that the amendment is available for public review and comment. NMFS will consider all public comments received during the comment period in determining whether to approve the FMP or amendment. Public comments on Amendment 58 must be received by January 3, 2000 to be considered by NMFS in the decision to approve/disapprove this amendment. After evaluating Amendment 58 pursuant to the Magnuson-Stevens Act, NMFS will publish a proposed rule to implement the amendment and the related regulatory changes the Council recommended in the **Federal Register** for public comment. Public comments on the proposed rule must be received by January 3, 2000, the end of the comment period for this notice of availability on Amendment 58, to be considered in the approval/disapproval decision on the amendment. Comments received after that date will not be considered in the approval/disapproval decision on the amendment. All comments received on the amendment or on the proposed rule will be responded to in the preamble to the final rule.

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

Dated: October 29, 1999.

Bruce C. Morehead,

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

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