

County, FL boundary) from April 1, 1999, through October 31, 1999.

Classification

This action is taken under 50 CFR 622.44(a)(2)(iii) and is exempt from review under E.O. 12866.

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

Dated: January 29, 1999.

Gary C. Matlock,

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

[FR Doc. 99-2543 Filed 1-29-99; 3:08 pm]

BILLING CODE 3510-22-F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 981014259-8312-02; I.D. 012299B]

Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; Adjustments to the 1999 Summer Flounder Commercial Quota; Commercial Quota Harvested for Delaware

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

ACTION: Commercial quota adjustment, notice of commercial quota harvest.

SUMMARY: NMFS issues this notification announcing preliminary adjustments to the 1999 summer flounder commercial quotas. This action complies with the regulations that implement the Fishery Management Plan for the Summer Flounder, Scup, and Black Sea Bass Fisheries (FMP) and that require that landings in excess of a state's individual quota be deducted from a state's respective quota for the following year. The public is advised that preliminary adjustments have been made and is informed of the revised quotas for the affected states. This action also notifies the public that there is no 1999

commercial summer flounder quota available to the State of Delaware.

DATES: This rule is effective January 28, 1999, through December 31, 1999.

FOR FURTHER INFORMATION CONTACT: Mary M. Grim, Fisheries Management Specialist, (978) 281-9326.

SUPPLEMENTARY INFORMATION: Regulations implementing summer flounder management measures are found at 50 CFR part 648, Subparts A and G. The regulations require annual specification of a quota that is apportioned among the Atlantic coastal states from North Carolina through Maine. The process to set the annual commercial quota and the percent allocated to each state is described in § 648.100. The final specifications for the 1999 summer flounder fishery, adopted to ensure achievement of a fishing mortality rate (F) of 0.24 for 1999, set a commercial quota equal to 11.11 million lb (5.04 million kg) (63 FR 72203, December 31, 1998).

Section 648.100(d)(2) provides that all landings for sale in a state shall be applied against that state's annual commercial quota. Any landings in excess of the state's quota must be deducted from that state's annual quota for the following year. NMFS published final specifications and noted that it would adjust each state's 1999 quota as a result of 1998 overages. The adjustment in this notification is preliminary because it is likely that additional data will be received from the states that would alter the figures, including late landings reported from either federally permitted dealers or state statistical agencies reporting landings by non-federally permitted dealers.

Based on dealer reports and other information available through December 31, 1998, NMFS has determined that the States of Delaware, Maine, New York, New Jersey, Maryland, and Virginia exceeded their 1998 quotas. The remaining States of New Hampshire, Massachusetts, Rhode Island, Connecticut, and North Carolina have not exceeded their 1998 quotas. The preliminary 1998 landings and resulting overages for all states are given in Table

1 to the preamble of this document. The resulting adjusted 1999 commercial quota for each state is given in Table 2 to the preamble of this document. In Table 3 to the preamble of this document, the adjustment has been made to maintain the incidental component of the commercial quota at 32.7 percent of the total (as recommended in the final specifications).

This notification also corrects errors for Rhode Island's commercial summer flounder allocation specified in the preamble to Table 1.—1999 State Commercial Quotas published on December 31, 1998 (63 FR 72203).

In FR Doc. 98-34511, on page 72204, in Table 1.—1999 State Commercial Quotas, the commercial state allocation for Rhode Island is corrected to read as follows:

In the third column of the table, under the heading Directed, and under the subheading Lb, in the fourth line, "1,171,379" is corrected to read "1,172,758"; in the last line, the total "7,468,107" is corrected to read "1,742,583" and in the fourth column of the table, under the same heading, and under the subheading KG, "53,133" is corrected to read "531,954"; in the last line, the total "3,387,476" is corrected to read "790,422."

In the fifth column of the table, under the heading Incidental catch, under the subheading Lb, in the fourth line, "571,204" is corrected to read "569,825" and in the sixth column, under the same heading, under the subheading KG, "259,094" is corrected to read "258,468."

In the seventh column, under the heading Total, under the subheading Lb, in the fourth line, "1,741,583" is corrected to read "1,742,583"; and under the same heading, under the same subheading, in the last line, "11,111,191" is corrected to read "11,110,300." These corrections are reflected in Tables 2 and 3 of this document. In addition, Tables 2 and 3 reflect a quota transfer of 5,000 lb (2,268 kg) from North Carolina to Virginia (64 FR 2600, January 15, 1999).

TABLE 1.—SUMMER FLOUNDER PRELIMINARY 1998 LANDINGS BY STATE

State	1998 quota		Preliminary 1998 landings		1998 overage	
	Lb	Kg ¹	Lb	Kg ¹	Lb	Kg ¹
ME	4,791	2,173	5,168	2,344	377	171
NH	51	23	0	0	0	0
MA	721,899	327,448	695,994	315,698	0	0
RI	1,742,583	790,422	1,729,643	784,553	0	0
CT	250,457	113,605	246,642	111,875	0	0
NY	763,419	346,281	819,351	371,651	55,932	25,370
NJ	1,858,363	842,939	1,864,089	845,537	5,726	2,597

TABLE 1.—SUMMER FLOUNDER PRELIMINARY 1998 LANDINGS BY STATE—Continued

State	1998 quota		Preliminary 1998 landings		1998 overage	
	Lb	Kg ¹	Lb	Kg ¹	Lb	Kg ¹
DE	² (14,534)	² (6,593)	10,637	4,825	25,171	11,417
MD	199,876	90,662	203,322	92,225	3,446	1,563
VA	2,362,877	1,071,783	2,526,177	1,145,855	163,300	74,072
NC	3,049,589	1,383,270	2,936,623	1,332,030	0	0
Total ³	10,933,871	4,959,518	11,037,646	5,006,592	253,952	115,191

¹ Kilograms are as converted from pounds, and may not necessarily add due to rounding.

² Parentheses indicate a negative number.

³ Total quota and total landings do not equal overage because they reflect positive quota balances in several states.

TABLE 2.—SUMMER FLOUNDER PRELIMINARY ADJUSTED 1999 QUOTAS

State	1999 initial quota		1999 adjusted quota	
	Lb	Kg ¹	Lb	Kg ¹
ME	5,285	2,397	4,908	2,226
NH	51	23	51	23
MA	757,842	343,751	757,842	343,751
RI	1,742,583	790,422	1,742,583	790,422
CT	250,791	113,757	250,791	113,757
NY	849,680	385,408	793,748	360,038
NJ	1,858,363	842,939	1,852,637	840,342
DE	1,977	897	² (23,194)	² (10,521)
MD	226,570	102,770	223,124	101,207
VA	2,373,569	1,076,633	2,210,269	935,561
NC	3,044,589	1,381,002	3,044,589	1,381,002
Total	11,111,300	5,040,001	10,857,348	4,924,810

¹ Kilograms are as converted from pounds, and may not necessarily add due to rounding.

² Parentheses indicate a negative number.

TABLE 3.—SUMMER FLOUNDER 1999 STATE QUOTAS AND INCIDENTAL CATCH ALLOCATIONS

State	Percent share	Directed		Incidental Catch		Total	
		Lb	Kg ¹	Lb	Kg	Lb	Kg
ME	0.04756	3,303	1,498	1,605	728	4,908	2,226
NH	0.00046	34	16	17	8	51	23
MA	6.82046	510,028	231,345	247,814	112,407	757,842	343,751
RI	15.68298	1,172,758	531,954	569,825	258,468	1,742,583	790,422
CT	2.25708	168,782	76,558	82,009	37,199	250,791	113,757
NY	7.64699	534,192	242,305	259,556	117,733	793,748	360,075
NJ	16.72499	1,246,825	565,550	605,812	274,792	1,852,637	840,342
DE	0.01779	² (15,610)	² (7,080)	² (7,584)	² (3,440)	² (23,194)	² (10,521)
MD	2.03910	150,162	68,113	72,962	33,095	223,124	101,207
VA	21.31676	1,487,511	674,724	722,758	327,837	2,210,269	935,561
NC	27.44584	2,049,008	929,415	995,581	451,588	3,044,589	1,381,002
Total	100.00000	7,306,993	3,314,396	3,550,355	1,610,414	10,857,348	4,924,810

¹ Kilograms are as converted from pounds, and may not necessarily add due to rounding.

² Parentheses indicate a negative number.

In 1998, the State of Delaware was closed to the landing of summer flounder by Federal permit holders as a result of deductions to the 1998 quota for overages in 1997 (62 FR 66304, December 18, 1997). As a result of those deductions and further quota reductions as published in the **Federal Register** on April 28, 1998 (63 FR 23227, April 28, 1998), the 1998 quota allocation to the State of Delaware was -14,534 lb (-6,593 kg). Further, an additional 10,591

lb of summer flounder were landed in Delaware in 1998. The 1999 quota for Delaware is not sufficient to offset this negative 1998 allocation and the additional landings in 1998. Consequently, Delaware will have no commercial quota for 1999. To prevent landings in Delaware by Federal permit holders, the State is closed to the landing of summer flounder by Federal permit holders for 1999. The regulations at § 648.4(b) provide that Federal permit

holders agree, as a condition of their permit, not to land summer flounder in any state that, according to the Regional Administrator, no longer has commercial quota available for harvest. Therefore, effective January 28, 1999, through December 31, 1999, landings of summer flounder in Delaware by vessels holding commercial Federal fisheries permits are prohibited for the remainder of the 1999 calendar year, unless additional quota becomes available

through a quota transfer and is announced in the **Federal Register**. Federally permitted dealers are also advised that they may not purchase summer flounder from federally permitted vessels that land in Delaware for the remainder of the 1999 calendar year, or until additional quota becomes available through a transfer. If additional landings should be reported for 1998, the commercial quota for the State of Delaware will be re-adjusted pursuant to § 648.100(d)(2).

Classification

This action is required by 50 CFR part 648 and is exempt from review under E.O. 12866.

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

Dated: January 28, 1999.

Gary C. Matlock,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 99-2465 Filed 1-28-99; 4:44 pm]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 981222313-8320-02; I.D. 012899A]

Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Eastern Aleutian District and Bering Sea Subarea of the Bering Sea and Aleutian Islands

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

ACTION: Closure.

SUMMARY: NMFS is prohibiting directed fishing for Atka mackerel with gears other than jig in the Eastern Aleutian District and the Bering Sea subarea of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the 1999 interim harvest specification of Atka mackerel.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), January 29, 1999, until superseded by the Final 1999 Harvest Specification for Groundfish, which will be published in the **Federal Register**.

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

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI exclusive economic zone according to the Fishery Management

Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP at Subpart H of 50 CFR part 600 and CFR part 679.

The Interim 1999 Harvest Specifications (64 FR 50 January 4, 1999) as amended by the final rule implementing season and area apportionment of Atka Mackerel total allowable catch (TAC) (64 FR 3446, January 22, 1999) established the Interim 1999 Harvest Specifications for non-jig gear as 6,269 metric tons (mt) in the Eastern Aleutian District and the Bering Sea subarea. See § 679.20(c)(2)(ii) and 679.20(a)(8)(i).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the 1999 interim specification for non-jig gear Atka mackerel in the Eastern Aleutian District and the Bering Sea subarea will be reached. The Regional Administrator is establishing a directed fishing allowance of 5,769 mt, and is setting aside the remaining 500 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance soon will be reached. NMFS is prohibiting directed fishing for Atka mackerel in the Eastern Aleutian District and the Bering Sea subarea of the BSAI.

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

Classification

This action responds to the interim TAC limitations and other restrictions on the fisheries established in the Interim 1999 Harvest Specifications for groundfish for the BSAI. It must be implemented immediately to prevent overharvesting the 1999 interim specification of Atka mackerel in the Eastern Aleutian District and the Bering Sea subarea of the BSAI. A delay in the effective date is impracticable and contrary to the public interest. Further delay would only result in overharvest. NMFS finds for good cause that the implementation of this action should not be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

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

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

Dated: January 28, 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. 981222314-8321-02; I.D. 012999B]

Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 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 pollock in Statistical Area 610 of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the interim 1999 pollock total allowable catch (TAC) for Statistical Area 610 established by the 1999 Interim Specifications and amended by the emergency interim rule implementing Steller sea lion protection measures for the pollock fisheries off Alaska.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), January 31, 1999, until 1200 hrs, A.l.t., June 1, 1999.

FOR FURTHER INFORMATION CONTACT: Nick Hindman, 907-581-2062.

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.

The interim 1999 pollock TAC in Statistical Area 610 as amended by the emergency interim rule implementing Steller sea lion protection measures for the pollock fisheries off Alaska (64 FR 3437, January 22, 1999) is 6,936 metric tons (mt), determined in accordance with § 679.20(c)(2)(i).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the interim TAC of pollock in Statistical Area 610 will soon