

NMFS will continue to monitor the presence of leatherback sea turtles along the Georgia and South Carolina coasts through weekly aerial surveys. Continued high abundance of leatherbacks greater than 10 turtles per 50 nm (92.6 km) of trackline will require further agency action, as per 50 CFR 223.206(d)(2)(iv)(B). If leatherback sightings fall to 5 or fewer turtles per 50 nm (92.6 km) of trackline, then the aerial surveys of the closed area will be replicated within 24 hours, or as soon as practicable thereafter. If sighting rates of 5 or fewer leatherbacks per 50 nm (92.6 km) are reconfirmed, then the AA may withdraw or modify the closure that is the subject of this rule, as per 50 CFR 223.206(d)(4)(ii). NMFS will consult with the appropriate state natural resource officials in the closed area in making a determination to withdraw or modify this closure, as per 50 CFR 223.206(d)(4)(iv). Fishermen should monitor NOAA weather radio for announcements.

The regulations at 50 CFR 223.206(d)(2)(iv) state that fishermen operating in the closed area with TEDs modified to exclude leatherback turtles must notify the NMFS Southeast Regional Administrator of their intentions to fish in the closed area. This aspect of the regulations does not have a current Office of Management and Budget control number, issued pursuant to the Paperwork Reduction Act. Consequently, fishermen are not required to notify the Regional Administrator prior to fishing in the closed area, but they must still meet the gear requirements.

The additional closure has been announced on the NOAA weather channel, in newspapers, and other media. Shrimp trawlers may also call Charles Oravetz (see **FOR FURTHER INFORMATION CONTACT**) for updated area closure information.

Classification

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

The AA is taking this action in accordance with the requirements of 50 CFR 223.206(d)(2)(iv) to provide emergency protection for endangered leatherback sea turtles from incidental capture and drowning in shrimp trawls. Leatherback sea turtles are occurring in high concentrations in coastal waters in shrimp fishery statistical zone 32. This action allows shrimp fishing to continue in the affected area and informs fishermen of the gear changes that they can make to protect leatherback sea turtles.

Pursuant to 5 U.S.C. 553(b)(B), the AA finds that there is good cause to waive prior notice and opportunity to comment on this action. It would be contrary to the public interest to provide prior notice and opportunity for comment because providing notice and comment would prevent the agency from implementing the necessary action in a timely manner to protect the endangered leatherback. Furthermore, notice and opportunity to comment on this action was provided through the proposed rule establishing these actions (60 FR 25663, May 12, 1995). For these reasons, good cause exists under 5 U.S.C. 553(d)(3) not to delay the effective date of this rule for 30 days. As stated above, the additional closure has been announced on the NOAA weather radio, in newspapers, and other media, allowing time for the shrimp fishery to comply with this rule.

As prior notice and an opportunity for public comment are not required to be provided for this notification by 5 U.S.C. 553, or by any other law, the analytical requirements of 5 U.S.C. 601 *et seq.*, are inapplicable.

The AA prepared an Environmental Assessment (EA) for the final rule requiring TED use in shrimp trawls and the regulatory framework for the Leatherback Conservation Zone (60 FR 47713, September 14, 1995). Copies of the EA are available (see **ADDRESSES**).

Dated: May 14, 1999.

Penelope D. Dalton,

*Assistant Administrator for Fisheries,
National Marine Fisheries Services.*

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 285

[Docket No. 990513131-9131-01; I.D. 051299B]

RIN 0648-AM69

Atlantic Tuna Fisheries; Regulatory Adjustments

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

ACTION: Interim final rule; request for comments.

SUMMARY: NMFS amends the regulations governing the Atlantic bluefin tuna fisheries to suspend, for 1999 only, the deadline for Atlantic Tunas permit

category changes. This regulatory amendment is necessary to provide vessel owners the opportunity to consider category changes after the effective date of a final rule and final quota specifications currently under review by NMFS and a proposed rule on the use of spotter aircraft currently in preparation. NMFS received comments in conjunction with the proposed rule and quota specifications indicating that because the final actions could affect the allowable operations of several fishing categories, it is not possible for vessel owners to make final choices prior to the previously established deadline of May 15.

DATES: The interim final rule is effective May 14, 1999. Comments must be received by June 1, 1999.

ADDRESSES: Comments on the interim final rule should be directed to Rebecca Lent, Chief, Highly Migratory Species Management Division, Office of Sustainable Fisheries (F/SF1), NMFS, 1315 East-West Highway, Silver Spring, MD 20910-3282. Send comments regarding the burden-hour estimates or other aspects of the collection-of-information requirement contained in this rule to Rebecca Lent and to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20503 (Attention: NOAA Desk Officer).

FOR FURTHER INFORMATION CONTACT: Mark Murray-Brown, 978-281-9260.

SUPPLEMENTARY INFORMATION: The Atlantic tuna fisheries are managed under the authority of the Atlantic Tunas Convention Act (ATCA). ATCA authorizes the Secretary of Commerce (Secretary) to issue regulations as may be necessary to carry out the recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT). The authority to issue regulations to carry out ICCAT recommendations has been delegated from the Secretary to the Assistant Administrator for Fisheries, NOAA (AA).

This interim final rule responds to certain comments received in conjunction with comments received on a proposed rulemaking (64 FR 3154, January 20, 1999) and proposed quota specifications (64 FR 9298, February 25, 1999) particularly with respect to the use of spotter aircraft in the commercial BFT categories. Background information about the need for revisions to Atlantic tunas fishery regulations was provided in the proposed rule and specifications as well as the Highly Migratory Species Fishery Management Plan and is not repeated here. Certain aspects of the final rule to implement the Fishery

Management Plan for Highly Migratory Species, currently under review would affect catch limits and gear restrictions in several permit categories. Also, final category quotas will affect fishing opportunities available to each category. Additionally, NMFS plans to issue a proposed rule regarding the use of spotter aircraft in the bluefin tuna fishery with the intent to have final action effective for the 1999 fishing year. NMFS received comment that because current regulations require a vessel owner to obtain a permit in the appropriate gear category and allow changes to permit categories only prior to May 15 each calendar year, it would be impossible to make a rational choice of permit category in 1999 until final rules and quota specifications are issued.

This interim final rule suspends indefinitely the deadline to change Atlantic tunas permit categories for calendar year 1999. This regulatory change will allow vessel owners to weigh any impacts of the final rules, when issued, on the operations and restrictions for each permit category. By allowing vessel owners to choose the most appropriate category, this measure will further the domestic management objectives for the Atlantic tuna fisheries.

NMFS is undertaking this action as an interim final rule because of the immediate need to postpone the deadline. This interim action will be superseded when a deadline for 1999 is specified in a final rule to be published at a later date.

Under NOAA Administrative Order 205-11, 7.01, dated December 17, 1990, the Under Secretary for Oceans and Atmosphere has delegated authority to sign material for publication in the **Federal Register** to the Assistant Administrator for Fisheries, NOAA (AA).

Classification

This interim final rule is published under the authority of the ATCA, 16 U.S.C. 971 *et seq.* The AA has determined that these regulations are necessary to implement the recommendations of ICCAT and are necessary for management of the Atlantic tuna fisheries.

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 involves a collection of information requirement subject to the

PRA and approved by OMB under control number 0648-0327. The burden associated with Atlantic tunas vessel permits is estimated at 30 minutes per initial permit application and 6 minutes per renewal.

Public comment is sought regarding whether this collection-of-information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; the accuracy of the burden estimates; 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 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, Highly Migratory Species Management Division and OMB (see ADDRESSES).

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

NMFS has determined that, under 5 U.S.C. 553(b)(B), there is good cause to waive the requirement for prior notice and an opportunity for public comment on this rule as such procedures would be contrary to the public interest. NMFS has underway rulemakings on this, and other, tuna fishery management issues. Specifically, NMFS published a proposed rule on January 20, 1999, seeking public comment on a variety of tuna issues. Additionally, NMFS published proposed quota specifications on February 25, 1999, seeking public comment on fishing category allocations. However, while the process for these actions remains ongoing, NMFS has received comment that a postponement for 1999 in the deadline to choose a permit category is necessary to allow the public an opportunity to assess the impacts of the pending final rules and specifications. As such, given the public interest in affording vessel owners to make a reasoned decision as to fishing category and the fact that NMFS has already received public comment on the subject matter of this rule, further delay in the implementation of this action to provide an opportunity for additional comment is contrary to the public interest.

Further, under 5 U.S.C. 553(d)(1), because this rule relieves a restriction, it is not subject to a 30-day delay in effective date. NMFS has the ability to rapidly communicate the extension of the deadline to fishery participants through its FAX network and HMS Information Line.

This interim final rule is exempt from the Regulatory Flexibility Act because it

was not subject to prior notice and opportunity for public comment.

List of Subjects in 50 CFR Part 285

Fisheries, Fishing, Penalties, Reporting and recordkeeping requirements, Treaties.

Dated: May 13, 1999.

Penelope D. Dalton,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 285, is amended as follows:

PART 285—ATLANTIC TUNA FISHERIES

1. The authority citation for part 285 continues to read as follows:

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

2. In § 285.21, paragraph (b)(7) is revised to read as follows:

§ 285.21 Vessel permits.

* * * * *

(b) * * *

(7) Except for purse seine vessels for which a permit has been issued under this section, an owner may change the category of the vessel's Atlantic tunas permit to another category by application on the appropriate form to NMFS or by dialing 1-888-USA-TUNA before the specified deadline. After the deadline, the vessel's permit category may not be changed to another category for the remainder of the calendar year, regardless of any change in the vessel's ownership. In years after 1999, the deadline for category changes is May 15.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 990304063-9063-01; I.D. 051499A]

Fisheries of the Exclusive Economic Zone Off Alaska; Other Nontrawl Fisheries in the Bering Sea and Aleutian Islands

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

ACTION: Closure.

SUMMARY: NMFS is closing directed fishing for each species and species group of groundfish in the other