

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

SUPPLEMENTARY INFORMATION: The commercial fishery for Atlantic group king mackerel in the South Atlantic exclusive economic zone (EEZ) is managed jointly by the Gulf of Mexico and South Atlantic Councils under the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic. A moratorium on issuing new commercial permits for king mackerel fisheries in the Gulf or Atlantic EEZ has been in effect since March 4, 1998, and will remain in effect through October 15, 2000 (63 FR 10561; March 4, 1998). Currently, about 280, 50, and 20 king mackerel federal permits are issued to vessels that homeport in North Carolina, South Carolina, and Virginia, respectively.

A gillnet (sinknet) fishery for Atlantic group king mackerel is conducted seasonally north of Cape Lookout, North Carolina, and it is the intent of the Council to allow for the continuation of this fishery. However, the Council has concerns that there may be considerable effort shifted to the Atlantic group king mackerel fishery in the North Carolina area in the future. Additionally, this fishing effort has been taking a larger proportion of the total quota. This impinges on the historical catch of the hook-and-line fishers, who represent the more common fishing effort. The Council is also concerned about the potential for expanded entry into this fishery when the permit moratorium expires.

At its June 1998 meeting, the Council voted unanimously to establish a control date for the commercial gillnet fishery for Atlantic group king mackerel north of Cape Lookout, North Carolina. This notice informs the industry that the Council is considering future action to control the number of participants in this fishery. Anyone entering the fishery after the control date would not be assured of future access should a management regime that limits the number of participants in the fishery be prepared and implemented. The Council requested that the control date be published in the **Federal Register** to provide timely notice to the industry. Implementation of any such program that limits participation or effort in the fishery would require preparation of an amendment to the respective fishery management plan and publication of a notice of availability and proposed rule with pertinent public comment periods.

If management measures to limit participation or effort in the fishery are determined to be necessary, the Council

is considering May 24, 1999, as the control date. After that date, anyone entering the commercial gillnet fishery for Atlantic group king mackerel fishery north of Cape Lookout, North Carolina, may not be assured of future participation in the fishery if a management regime is developed and implemented that limits the number of fishery participants.

Consideration of a control date does not commit the Council or NMFS to any particular management regime or criteria for entry into this fishery. Fishermen are not guaranteed future participation in the fishery regardless of their entry date or intensity of participation in the fishery before or after the control date under consideration. The Council subsequently may choose a different control date or it may choose a management regime that does not make use of such a date. The Council may choose to give variably weighted consideration to fishermen active in the fishery before and after the control date. Other qualifying criteria, such as documentation of landings and sales, may be applied for entry in the fishery. The Council also may choose to take no further action to control entry or access to the fishery, in which case the control date may be rescinded. This notice has been determined to be not significant for purposes of E.O. 12866.

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

Dated: May 18, 1999.

Andrew A. Rosenberg,
Deputy Assistant Administrator for Fisheries,
National Marine Fisheries Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 622 and 640

[Docket No. 990506122-9122-01; I.D. 020899A]

RIN 0648-AL42

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Fishery Management Plans of the South Atlantic Region (FMPs); Addition to Framework Provisions

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes regulations to implement that portion of the

Comprehensive Amendment Addressing Sustainable Fisheries Act Definitions and other Required Provisions in Fishery Management Plans of the South Atlantic Region (Comprehensive Amendment) that would modify the framework procedures in FMPs to allow addition of biomass levels and age-structured analyses. The intended effect is to provide a more timely mechanism for incorporating biomass levels and age-structured analyses into those FMPs when such information becomes available.

DATES: Written comments must be received on or before July 8, 1999.

ADDRESSES: Comments on this proposed rule or on the Regulatory Impact Review (RIR) must be sent to the Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702.

Requests for copies of the Comprehensive Amendment, which includes an environmental assessment, an RIR, and a social impact assessment/fishery impact statement should be sent to 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; Electronic mail: safmc@noaa.gov.

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

SUPPLEMENTARY INFORMATION: The Comprehensive Amendment addresses fisheries under the FMPs. The FMPs were prepared by the South Atlantic Fishery Management Council (Council) except for the coastal migratory pelagics and spiny lobster fishery management plans that were prepared jointly by the South Atlantic and Gulf of Mexico Fishery Management Councils. All of these FMPs, except spiny lobster, are implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622. The Fishery Management Plan for the Spiny Lobster Fishery of the Gulf of Mexico and South Atlantic is implemented by regulations at 50 CFR part 640.

Section 303 of the Magnuson-Stevens Act requires that the Regional Fishery Management Councils amend their FMPs to assess more quantitatively the condition of the various managed stocks and to rebuild stocks to achieve maximum sustainable yield (MSY). Ultimately, this requires detailed estimates concerning the biomass of the stock and age-structured analyses to generate the various biomass-based

parameters, e.g., MSY, minimum stock size threshold. The Council's Comprehensive Amendment indicates that for all the species under the Council's jurisdiction, information sufficient to generate these estimates was available for only one species, black sea bass. Until better data become available, the Council proposes that all other species be managed using a proxy based on spawning potential ratio to represent these biomass levels.

As better data become available for each of the managed species, true biomass-based estimates of the stock will need to be substituted for the current proxy values. The Council wants to ensure that there is a timely mechanism for adding biomass levels and age-structured analyses to FMPs as soon as possible. These proposed regulations reflect the Comprehensive Amendment's modification of the existing framework procedures in the Council's FMPs to allow biomass levels and age-structured analyses to be incorporated, as soon as they are available, through the framework process. Although the FMPs' framework procedures refer to rulemaking, NMFS does not intend to specify biomass levels and age-structured analyses in codified text. However, NMFS would publish notice of the proposed changes in the **Federal Register** and would solicit public comment in accordance with the FMP framework procedure. This would allow more timely implementation while ensuring the opportunity for adequate review and public comment.

Availability of the Comprehensive Amendment

Additional background and rationale for the measures discussed here are contained in the Comprehensive Amendment, the availability of which was announced in the **Federal Register** (64 FR 8052, February 18, 1999). Written comments on the Comprehensive Amendment must have been received by April 19, 1999. All comments received on the Comprehensive Amendment or on this proposed rule during their respective comment periods will be addressed in the preamble to the final rule.

Classification

At this time, NMFS has not determined that the Comprehensive Amendment that this rule would implement is consistent with the national standards of the Magnuson-Stevens Act and other applicable laws. NMFS, in making that determination, will take into account the data, views, and comments received during the

comment period on the Comprehensive Amendment, as well as the administrative record.

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 Council prepared an RIR to assess the economic effects of the proposed Comprehensive Amendment. The RIR indicates that the amendment is not expected to result in changes in net national benefits because the amendment does not propose any regulatory changes, except an adjustment to the existing framework procedure in Council FMPs. The adjustment to the framework procedure would add biomass levels and age-structured analyses to the list of actions that could be implemented via the framework. With this framework adjustment, biomass levels and age-structured analyses could be added to the respective FMPs in a timely manner when the information becomes available. The future addition of these two elements to FMPs through the framework would not require any change to the regulations. Based on the findings of the RIR, the Council and NMFS determined that the Comprehensive Amendment will not result in a significant economic impact on a substantial number of small entities.

Because of this certification, preparation of an initial regulatory flexibility analysis is not required and none was prepared.

List of Subjects

50 CFR Part 640

Fisheries, Fishing, Incorporation by reference, Reporting and recordkeeping requirements.

50 CFR Part 622

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

Dated: May 18, 1999.

Andrew A. Rosenberg,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR parts 622 and 640 are 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 § 622.48, the introductory text and paragraphs (c), (f), (g), and (h) are revised to read as follows:

§ 622.48 Adjustment of management measures.

In accordance with the framework procedures of the applicable FMPs, the RD may establish or modify the following items:

* * * * *

(c) *Coastal migratory pelagic fish.* For cobia or for a migratory group of king or Spanish mackerel: Biomass levels, age-structured analyses, MSY, overfishing level, TAC, quota (including a quota of zero), bag limit (including a bag limit of zero), minimum size limit, vessel trip limits, closed seasons or areas, gear restrictions (ranging from regulation to complete prohibition), reallocation of the commercial/recreational allocation of Atlantic group Spanish mackerel, and permit requirements.

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(f) *South Atlantic snapper-grouper and wreckfish.* For species or species groups: Biomass levels, age-structured analyses, target dates for rebuilding overfished species, MSY, ABC, TAC, quotas, trip limits, bag limits, minimum sizes, gear restrictions (ranging from regulation to complete prohibition), and seasonal or area closures.

(g) *South Atlantic golden crab.* Biomass levels, age-structured analyses, MSY, ABC, TAC, quotas (including quotas equal to zero), trip limits, minimum sizes, gear regulations and restrictions, permit requirements, seasonal or area closures, time frame for recovery of golden crab if overfished, fishing year (adjustment not to exceed 2 months), observer requirements, and authority for the RD to close the fishery when a quota is reached or is projected to be reached.

(h) *South Atlantic shrimp.* Biomass levels, age-structured analyses, certified BRDs and BRD specifications.

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PART 640—SPINY LOBSTER FISHERY OF THE GULF OF MEXICO AND SOUTH ATLANTIC

3. The authority citation for part 640 continues to read as follows:

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

4. A new § 640.25 is added to subpart B to read as follows:

§ 640.25 Adjustment of management measures.

In accordance with the framework procedure of the Fishery Management Plan for the Spiny Lobster Fishery of the Gulf of Mexico and South Atlantic, the RD may establish or modify the

following items: Biomass levels, age-structured analyses, limits on the number of traps fished by each vessel, construction characteristics of traps, specification of gear and vessel identification requirements, specification of allowable or prohibited gear in a directed fishery, specification of bycatch levels in non-directed fisheries, changes to soak or removal periods and requirements for traps, recreational bag and possession limits, changes in fishing seasons, limitations on use, possession, and handling of undersized lobsters, and changes in minimum size.

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