

fishing trip into the Georges Bank Sea Scallop Exemption Program and on which a NMFS approved sea sampler or observer is on board the vessel, or on which a NMFS approved research project is being conducted. Notification of this increase of the possession limit will be provided to the vessel with the observer selection notification. The amount of the possession limit increase will be determined by the Regional Administrator and the vessel owner will be responsible for paying the cost of the observer and/or defraying the cost of the research project, whichever is applicable, regardless of whether the vessel lands or sells sea scallops on that trip.

(f) *In-season adjustments.* (1) *Adjustment process for sea scallop possession limit and number of trips under the Georges Bank Sea Scallop Exemption Program.* On or after October 1, 1999, the Regional Administrator may adjust the sea scallop possession limit, and/or allocate one or more additional trips for full and part-time limited access sea scallop vessels that declared into and began a trip under the Georges Bank Sea Scallop Exemption Program prior to September 1, 1999. Occasional permitted vessels would not be allocated an additional trip regardless of whether or not they declared or began an exempted trip before September 1, 1999.

(2) *Termination of Georges Bank Sea Scallop Exemption Program because of yellowtail flounder bycatch/incidental catch.* NMFS shall publish notification in the **Federal Register** that the Georges Bank Sea Scallop Exemption Program is terminated as of the date the Regional Administrator projects that the 387 mt of yellowtail flounder will be caught by vessels fishing in the Georges Bank Sea Scallop Exemption Program described in this section.

(g) *Transiting.* Limited access sea scallop vessels intending to fish for scallops under a scallop DAS that have not declared a trip into the Georges Bank Sea Scallop Exemption Program may not enter, fish, or be in the area known as the Georges Bank Sea Scallop Exemption Area described in paragraph (b) of this section, unless:

(1) The operator has determined that there is a compelling safety reason; and  
(2) The vessel's fishing gear is stowed in accordance with the requirements of § 648.81(e).

7. In § 648.80, paragraph (h)(1) is revised to read as follows:

**§ 648.80 Regulated mesh areas and restrictions on gear and methods of fishing.**

\* \* \* \* \*

(h) \* \* \* (1) Except as provided in paragraph (h)(2) of this section and in § 648.58(c)(6)(ii), a scallop vessel that possesses a limited access scallop permit and either a multispecies combination vessel permit or a scallop multispecies possession limit permit, and that is fishing under a scallop DAS allocated under § 648.53, may possess and land up to 300 lb (136.1 kg) of regulated species per trip, provided that the amount of cod on board does not exceed the daily cod limit specified in § 648.86(b), up to a maximum of 300 lb (136.1 kg) of cod for the entire trip, and provided the vessel has at least one standard tote on board, unless otherwise restricted by § 648.86(a)(2).

\* \* \* \* \*

8. In § 648.81, paragraph (b)(1) introductory text is revised to read as follows:

**§ 648.81 Closed areas.**

\* \* \* \* \*

(b) \* \* \* (1) No fishing vessel or person on a fishing vessel may enter, fish, or be in the area known as Closed Area II (copies of a map depicting this area are available from the Regional Administrator upon request), as defined by straight lines connecting the following points in the order stated, except as specified in paragraph (b)(2) of this section, or unless exempt under the Georges Bank Sea Scallop Exemption Program specified under § 648.58 during the time and in the portion of Closed Area II described in § 648.58(b):

\* \* \* \* \*

9. In § 648.86, the section heading and paragraphs (a)(2)(iii) and (c) are revised to read as follows:

**§ 648.86 Possession restrictions.**

\* \* \* \* \*

(a) \* \* \*

(2) \* \* \*

(iii) Except for vessels fishing under the Georges Bank Sea Scallop Exemption Program from July 1 through December 31, 1999, as provided in § 648.58(c)(6)(ii), scallop dredge vessels or persons owning or operating a scallop dredge vessel that is fishing under a scallop DAS allocated under § 648.53 may land or possess on board up to 300 lb (136.1 kg) of haddock, provided that the vessel has at least one standard tote on board. This restriction does not apply to vessels issued NE multispecies Combination Vessel permits that are fishing under a multispecies DAS. Haddock on board a vessel subject to this possession limit must be separated from other species of fish and stored so as to be readily available for inspection.

\* \* \* \* \*

(c) *Other possession restrictions.* Vessels are subject to all other applicable possession limit restrictions as specified under § 648.58(c)(6), § 648.82(b)(3), § 648.83(b)(1), § 648.88(a) and (c), and § 648.89(c).

10. In § 648.88, paragraph (c) is revised to read as follows:

**§ 648.88 Open access permit restrictions.**

\* \* \* \* \*

(c) *Scallop multispecies possession limit permit.* Unless otherwise prohibited in § 648.86(b), and except as provided in § 648.58(c)(6)(ii) for vessels fishing under the Georges Bank Sea Scallop Exemption Program, a vessel that has been issued a valid open access scallop multispecies possession limit permit may possess and land up to 300 lb (136.1 kg) of regulated species when fishing under a scallop DAS allocated under § 648.53, provided that the amount of cod on board does not exceed the daily cod limit specified in § 648.86(b), up to a maximum of 300 lb (136.1 kg) of cod for the entire trip, and that the vessel does not fish for, possess, or land haddock from January 1 through June 30 as specified under § 648.86(a)(2)(i), and provided the vessel has at least one standard tote on board.

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[FR Doc. 99-14745 Filed 6-7-99; 2:35 pm]

BILLING CODE 3510-22-F

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 679**

[Docket No. 990304062-9062-01; I.D. 060499C]

**Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod in the Western Regulatory Area in 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 offshore component in the Western Regulatory Area of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the amount of the 1999 Pacific cod total allowable catch (TAC) allocated to vessels catching Pacific cod for processing by the offshore component in this area.

**DATES:** Effective 1200 hours, Alaska local time (A.l.t.), June 7, 1999, through 2400 hours, A.l.t., December 31, 1999.

**FOR FURTHER INFORMATION CONTACT:** Thomas Pearson, 907-481-1780 or tom.pearson@noaa.gov.

**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 Final 1999 Harvest Specifications of Groundfish for the GOA (64 FR 12904, March 11, 1999) and subsequent reserve apportionment (64 FR 16362, April 5, 1999) established the amount of the Pacific cod TAC allocated to vessels catching Pacific cod for processing by the offshore component in the Western Regulatory Area as 2,363 metric tons (mt), determined in accordance with § 679.20(c)(4)(ii).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the amount of the Pacific cod TAC allocated to vessels catching Pacific cod for processing by the offshore component in the Western Regulatory Area of the GOA has been reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 2,163 mt, and is setting aside the remaining 200 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 has been reached. Consequently, NMFS is prohibiting directed fishing for Pacific cod by vessels catching Pacific cod for processing by the offshore component in the Western Regulatory Area of the GOA.

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

#### **Classification**

This action responds to the best available information recently obtained

for the fishery. It must be implemented immediately to prevent overharvesting the amount of the 1999 Pacific cod TAC allocated to vessels catching Pacific cod for processing by the offshore component in the Western Regulatory Area of the GOA. A delay in the effective date is impracticable and contrary to the public interest, and 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: June 7, 1999.

**Bruce C. Morehead,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
[FR Doc. 99-14746 Filed 6-7-99; 2:35 pm]

**BILLING CODE 3510-22-F**