

and other available information, that the scup commercial quota for the 1999 Summer period has been harvested.

The regulations at § 648.4(b) provide that Federal scup moratorium permit holders agree as a condition of the permit not to land scup in any state after NMFS has published a notification in the **Federal Register** stating that the commercial quota for the period has been harvested and that no commercial quota for the scup is available. The Regional Administrator has determined that the Summer period for scup no longer has commercial quota available. Therefore, effective 0001 hours June 28, 1999, further landings of scup in coastal states from Maine through North Carolina, by vessels holding Federal scup moratorium permits are prohibited through October 31, 1999. The Winter II period for commercial scup harvest will open on November 1, 1999. Effective 0001 hours June 28, 1999, Federally permitted dealers are also advised that they may not purchase scup from Federally permitted vessels that land in coastal states from Maine through North Carolina for the remainder of the Summer period (through October 31, 1999).

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: June 17, 1999.

George H. Darcy,

Acting 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. 990113011-9011-01; I.D. 010699A]

RIN 0648-AM06

Fisheries of the Exclusive Economic Zone Off Alaska; Observer and Inseason Management Requirements for Pollock Catcher/Processors; Extension of Expiration Date

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

ACTION: Emergency interim rule; extension of expiration date.

SUMMARY: NMFS extends the expiration date of an emergency interim rule that established additional observer coverage requirements for the 20 catcher/processor (C/P) vessels and that established inseason authority to manage the non-pollock harvest limitations required under the American Fisheries Act (AFA) for these 20 vessels. The emergency interim rule that is effective from January 20, 1999, through July 19, 1999, is extended through December 31, 1999. This action is necessary to monitor and manage the harvest of the listed C/Ps and is intended to comply with the statutory provisions promulgated under the AFA for these vessels in 1999.

DATES: Effective June 23, 1999, the expiration date of the emergency interim rule published January 22, 1999 (64 FR 3435), is extended from July 19, 1999, through December 31, 1999.

FOR FURTHER INFORMATION CONTACT: Sue Salvesson, 907-586-7228.

SUPPLEMENTARY INFORMATION: On October 20, 1998, the President signed the AFA into law. The AFA specifies the manner in which the Bering Sea and Aleutian Islands management area (BSAI) pollock fishery must be managed, as well as measures to limit activity of pollock vessels in non-pollock fisheries. Section 208(e)(1) through (20) of the AFA lists C/Ps that are subject to specific harvest limitations for pollock and non-pollock species starting in 1999. These harvest limitations were established as part of the 1999 groundfish specification process authorized under regulations at 50 CFR 679.20 (64 FR 50, January 4, 1999, and 64 FR 12103, March 11, 1999). NMFS published an emergency interim rule in the **Federal Register** on January 22, 1999 (64 FR 3435), that implemented additional observer coverage and inseason management authority necessary to monitor and manage these harvest limitations at the start of the 1999 fishing season. Specifically, the emergency interim rule implemented the following measures for a 180-day period (through July 19, 1999):

1. A requirement that two NMFS-certified observers must be aboard each of the 20 listed C/Ps at all times the vessel is used to fish for groundfish in Federal waters off Alaska and that at least one of the observers aboard each listed C/P must have successfully completed the additional training necessary to be certified to observe in the multispecies groundfish community development quota program (§ 679.50(h)(1)(i)(D)); and

2. The authority to establish directed fishing allowances for the non-pollock groundfish harvest limitations specified for the listed C/Ps under the AFA and the regulatory authority to close directed fishing for non-pollock groundfish by the listed C/Ps if NMFS determines that these vessels have reached a prohibited species limitation.

Further background and descriptive information is contained in the preamble to the emergency interim rule published on January 22, 1999 (64 FR 3435).

The North Pacific Fishery Management Council (Council) is scheduled to take final action to implement the AFA requirements in 2000 and beyond under amendments to the BSAI Fishery Management Plan (FMP) at its June and October 1999 meetings. Given the statutory review and implementation schedule for FMP amendments set out under sections 303 and 304 of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), the Council requested NMFS to extend the emergency provisions to provide for the monitoring of listed C/P harvest limitations for the remainder of 1999 as authorized under section 305(c)(3)(B) of the Magnuson-Stevens Act. NMFS concurs that this time period is minimally necessary for the development and preparation of FMP amendments to implement management provisions of the AFA.

Details concerning the basis for this action are contained in the initial emergency interim rule and are not repeated here. No comments were received during the comment period for the initial emergency interim rule.

Classification

The Assistant Administrator for Fisheries, NOAA (AA), has determined that this rule is necessary to respond to an emergency situation and that it is consistent with the Magnuson-Stevens Act and other applicable laws.

Extension of the expiration date for this emergency interim rule is necessary to continue to monitor and manage the non-pollock harvest limitations required under the AFA for the listed C/Ps so that the intent of the AFA for these vessels in 1999 is met. Failure to implement an extension of the emergency measures would mean non-compliance with the statutory provisions promulgated under the AFA for the listed C/P vessels. The AA finds good cause to extend the emergency interim rule in accordance with section 305(c)(3)(B) of the Magnuson-Stevens Act. Pursuant to authority set forth at 5 U.S.C. 553(b)(B), the AA finds that these

reasons constitute good cause to waive the requirement to provide prior notice and the opportunity for public comment, as the delay associated with such procedures would be contrary to the public interest.

Similarly, under 5 U.S.C. 553(d)(3), the AA finds for good cause that a 30-day delay in the effective date of this rule would be contrary to the public

interest. Because prior notice and opportunity for public comment are not required for this rule by 5 U.S.C. 553 or by any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, are inapplicable.

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

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

Dated: June 15, 1999.

Penelope D. Dalton,

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

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