

Classification

This proposed rule has been determined to be 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 that describes the economic outcomes of the measures in the proposed rule. The proposed measure to reduce the recreational bag limit from 5 to 4 fish, plus a 0-fish bag limit for captain and crew of for-hire vessels, is expected to reduce the projected rate of recreational harvest, potentially reduce the angler's economic value per trip, and reduce the benefits of captain and crew. Such reductions would be compensated for by extending the season by about 4 weeks later in the year. Given certain assumptions, this measure would increase the benefits to both anglers and for-hire vessels, but the available data do not allow the appropriate calculations to be made. Postponing the opening of the recreational fishery from January 1 to March 1 would allow the fishery to remain open for 15 days more in the fall. Even though the extension of the season is viewed as a desirable result, this extension will be accompanied by a small reduction in the expected total number of angler trips because more trips will be foregone during January and February than will be gained later in the season. Hence, the overall economic effect of postponing the season is expected to be negative by a small but unknown amount. The proposed reduction in fishing time from 15 days to 10 days for each open month in the fall commercial red snapper season is expected to achieve minimal but positive revenue effects. This result is expected because the shorter open periods each month will lessen the probability of supply gluts when red snapper markets are relatively weak in the fall season. The RIR found that the proposed regulations will not be significant under E.O. 12866. The RIR also estimated that the government costs of developing the rule were \$40,500, and there are no expected increased costs of monitoring, enforcement or reporting.

The Council also determined, and NMFS concurs, that there will not be a significant impact on the estimated 1,626 reef fish permit holders who can legally engage in the commercial harvest of red snapper or operate for-hire businesses and can legally catch red snapper under the recreational bag limit. These permit holders are all classified as small entities. This determination was based on a finding that none of the measures are expected to directly reduce gross revenues of commercial or for-hire vessels, that no production cost increases are expected, that no differential small versus large firm impacts are expected, that there are no expected changes in capital costs of complying with the proposed rule, and that no small entities would be expected to cease business if the proposed rule is implemented.

Based on the findings summarized above, the Council concluded that the proposed rule would not have a significant impact on a substantial number of small business entities, and a regulatory flexibility analysis was not prepared.

List of Subjects in 50 CFR Part 622

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

Dated: June 23, 1999.

Andrew A. Rosenberg,

Deputy Asst. Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 622 is 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 § 622.34, paragraph (l), currently suspended through June 29, 1999, is revised to read as follows:

§ 622.34 Gulf EEZ seasonal and/or area closures.

* * * * *

(l) *Closures of the commercial fishery for red snapper.* The commercial fishery for red snapper in or from the Gulf EEZ is closed from January 1 to noon on February 1 and thereafter from noon on the 15th of each month to noon on the first of each succeeding month until the quota specified in § 622.42(a)(1)(i)(A) is reached or until noon on September 1, whichever occurs first. Starting in September, the commercial fishery for red snapper in or from the Gulf EEZ is closed from noon on the 10th of each month to noon on the first of each succeeding month until the quota specified in § 622.42(a)(1)(i)(B) is reached or until the end of the fishing year, whichever occurs first. All times are local times. During these closed periods, the possession of red snapper in or from the Gulf EEZ and in the Gulf on board a vessel for which a commercial permit for Gulf reef fish has been issued, as required under § 622.4(a)(2)(v), without regard to where such red snapper were harvested, is limited to the bag and possession limits, as specified in § 622.39(b)(1)(iii) and (b)(2), respectively, and such red snapper are subject to the prohibition on sale or purchase of red snapper possessed under the bag limit, as specified in § 622.45(c)(1). However, when the recreational quota for red

snapper has been reached and the bag and possession limit has been reduced to zero, the limit for such possession during a closed period is zero.

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3. In § 622.39, paragraph (b)(1)(iii), currently suspended through June 29, 1999, is revised to read as follows:

§ 622.39 Bag and possession limits.

* * * * *

(b) * * *

(1) * * *

(iii) Red snapper—4, except that for an operator or member of the crew of a charter vessel or headboat, the bag limit is 0.

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4. In § 622.42, paragraph (a)(2) is revised to read as follows:

§ 622.42 Quotas.

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(a) * * *

(2) *Recreational quota for red snapper.* The following quota applies to persons who harvest red snapper other than under commercial vessel permits for Gulf reef fish and the commercial quota specified in paragraph (a)(1)(i) of this section—4.47 million lb (2.03 million kg), round weight. Beginning January 1, 2000, this quota becomes available on March 1 each year.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[I.D. 050399A]

RIN 0648-AL27

Fisheries of the Northeastern United States; Amendment 12 to the Northeast Multispecies Fishery Management Plan; Measures to Address the Sustainable Fisheries Act Requirements; Correction

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

ACTION: Correction to a notice of availability.

SUMMARY: NMFS corrects a notice of availability for Amendment 12 to the Northeast Multispecies Fishery Management Plan that was published at 64 FR 29257, June 1, 1999, containing a possession limit that was incorrect.

FOR FURTHER INFORMATION CONTACT: Peter Christopher, Fishery Management Specialist, 978-281-9288.

Correction

In the **Federal Register** of June 1, 1999, in FR Doc. 99-13828, on page 29257, in the 3rd column, in the 16th line, the weight "35,000 lb" should read "30,000 lb".

Dated: June 22, 1999.

Bruce C. Morehead,

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

[FR Doc. 99-16513 Filed 6-28-99; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[I.D. 060899B]

Fisheries of the Northeastern United States; Spiny Dogfish Fishery

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

ACTION: Notice of availability of a fishery management plan for spiny dogfish; request for comments.

SUMMARY: NMFS announces that the Mid-Atlantic and New England Fishery Management Councils (Councils) have submitted the Fishery Management Plan for Spiny Dogfish (FMP) for Secretarial review and are requesting comments from the public. The FMP proposes management measures to control fishing mortality, a definition of overfishing, a 5-year rebuilding schedule, and an identification and description of essential fish habitat (EFH). The purpose of the FMP is to conserve spiny dogfish to achieve optimum yield from this resource. The FMP will achieve this overall goal primarily by eliminating overfishing and rebuilding the spiny dogfish stock to meet the requirements of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

DATES: Comments on the FMP must be received on or before August 30, 1999.

ADDRESSES: Send comments to Patricia A. Kurkul, Regional Administrator, National Marine Fisheries Service, Northeast Regional Office, One Blackburn Drive, Gloucester, MA 01930-3799. Mark the outside of the envelope: "Comments on Spiny Dogfish FMP."

Copies of the FMP including the final environmental impact statement,

regulatory impact review, and supplement of May 1999, are available from Daniel Furlong, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115 Federal Building, 300 S. New Street, Dover, DE 19904-6790.

FOR FURTHER INFORMATION CONTACT: Richard A. Pearson, Fishery Policy Analyst, at 978-281-9279.

SUPPLEMENTARY INFORMATION: Domestic landings of spiny dogfish (*Squalus acanthias*) on the East Coast rapidly increased from 9.92 million lb (4,500 metric tons (mt)) in 1989 to 61.72 million lb (28,000 mt) in 1996, then declined to approximately 41.89 million lb (19,000 mt) in 1997. During this period, the fishing mortality rate (F) rose from below 0.1 during the 1980's to 0.3 in 1997. In addition to the overall increase in landings, the landings disproportionately contain females, because they grow to a larger size than males and are, therefore, preferred for processing. Because of the directed fishing effort on adult female spiny dogfish, including discard mortality, the spawning stock biomass (SSB) has severely declined.

The spiny dogfish, a common small shark, inhabits the temperate and sub-Arctic latitudes of the North Atlantic Ocean. In the Northwest Atlantic, they range from Labrador to Florida, but are most abundant from Nova Scotia to Cape Hatteras. They migrate seasonally, moving north in spring and summer and south in fall and winter. Spiny dogfish are considered a unit stock in the Northwest Atlantic Ocean. The management unit for this FMP is the entire spiny dogfish stock along the Atlantic coast of the United States.

Spiny dogfish is a long-lived, slow growing species. Fifty percent of the female population is mature at 12 years of age. This species bears live young after a 2-year gestation period. Litter sizes range from 2 to 15 pups. Therefore, a small spawning stock produces correspondingly low recruitment, making spiny dogfish especially vulnerable to overfishing.

The 26th Northeast Regional Stock Assessment Workshop (SAW 26) in March 1998 concluded that spiny dogfish are overexploited. SAW 26 reported that minimum biomass estimates of mature females (≥ 80 cm) have declined by over 50 percent since 1989 and that recruitment of juvenile dogfish was the lowest on record in 1997. The combination of increased fishing mortality, declining biomass of mature females, and low recruitment have contributed to the overfished condition of the stock.

NMFS notified the Councils on April 3, 1998, that spiny dogfish was being added to the list of overfished stocks in the Report on the Status of the Fisheries of the United States, prepared pursuant to section 304 of the Magnuson-Stevens Act. The Magnuson-Stevens Act requires remedial action for stocks that are designated overfished, and requires the Regional Fishery Management Councils to prepare measures within 1 year of notification to end overfishing and to rebuild the overfished stock.

The FMP proposes management measures to control fishing mortality, a definition of overfishing, a 5-year stock rebuilding schedule, and identification and description of EFH. The FMP was developed jointly by the Councils. The Mid-Atlantic Fishery Management Council (Mid-Atlantic Council) has the administrative lead on the FMP.

The proposed management measures to control fishing mortality include: (1) Permit and reporting requirements for owners of commercial vessels, operators, and dealers; (2) the establishment of a Spiny Dogfish Monitoring Committee; (3) a framework adjustment process; (4) an annual commercial quota; (5) seasonal (semi-annual) allocation of the commercial quota; (6) a prohibition on finning; and (7) annual FMP review.

The FMP would eliminate overfishing and rebuild the spiny dogfish stock through a two-step reduction in F. The first step would reduce F from current levels (approximately 0.3) to 0.2 beginning the second quota period of year one (November 1999–April 2000). F would be reduced to 0.03 for the remaining 4 years of the rebuilding schedule.

The primary management measure in the FMP is an annual commercial quota that would be allocated semi-annually, based upon the percentage of commercial landings for each semi-annual period during the years 1990–1997. The first period (May 1–Oct. 31) would receive 57.9 percent of the annual commercial quota; the second period (Nov. 1–April 30) would receive the remaining 42.1 percent of the annual commercial quota.

The annual commercial quota would be based upon the recommendations of the Spiny Dogfish Monitoring Committee, the Joint Spiny Dogfish Committee, and the Councils. The annual quota would be established by the Regional Administrator at a level to assure that the target F specified in the FMP is not exceeded.

Any owner of a vessel wanting to fish for spiny dogfish within the EEZ for sale, or wanting to transport and deliver for sale any spiny dogfish taken within