

special precision monitors. The Commission proposes to discontinue specifying the use of expensive, specially designed precision antenna monitors for critical arrays. Instead, the Commission proposes to simply require that the monitor installed have a digital readout graduated in increments no larger than one-half of the critical parameter specified in the authorization. The Commission tentatively concludes that the rule can be relaxed to permit the use of off-the-shelf equipment without adverse impact on stations that are protected by critical arrays. Comment on this proposal is requested.

21. *Critical Arrays—Designation.* The Commission does *not* propose to discontinue the critical array classification system, as suggested by several commenters. Some directional antenna systems are inherently more unstable than others and more likely to cause objectionable interference to other AM stations. Authorizations for such stations are conditioned require more stringent monitoring. The Commission acknowledges that the staff has generally investigated an array for stability only if a petition or objection is filed against the application proposing the array. As a result, the staff has not identified and designated as critical arrays all unstable arrays. The Commission intends to change this practice by discontinuing reliance on petitions or objections as the primary method of identifying unstable arrays. Instead, the Commission proposes to apply a uniform screening process to all applications for directional facilities.

22. In addition, the Commission has analyzed all licensed AM directional antennas utilizing its stability criteria and tentatively concluded that the current criteria are too stringent, and that modifications are necessary to tag only those arrays that have the highest probability of causing "real world" interference under normal operating tolerances. Accordingly, the Commission proposes to relax its stability criteria in two ways. First, tests for array stability would be restricted to radiation pattern minima (nulls) and maxima of standard patterns in the horizontal plane only instead of testing at all azimuths and elevations. The studies would be restricted to the horizontal plane radiation pattern because only the horizontal plane pattern can be directly observed by means of field measurements. Second, the Commission proposes to classify an array as critical only if the standard pattern is exceeded at 10 percent or more of the possible parameter variation combinations. (The current test requires

only one instance of excessive radiation.) The Commission believes that the proposed 10 percent standard will more realistically predict the likelihood of excessive radiation. The Commission seeks comments on both proposed relaxations to the current stability test criteria.

23. Finally, based on the results of studies the Commission has performed on the licensed AM directional patterns in the AM engineering database, the Commission propose to exclude all two- and three-tower arrays from designation as critical arrays. Furthermore, the Commission proposes to categorically exclude all daytime arrays, considering that objections have never been filed based on daytime interference issues related to array instability. Thus, only nighttime and critical-hours directional proposals would be screened. Licensees with facilities currently classified as critical would be permitted to request staff review of their designation based on the revised criteria; however, the Commission does not propose to review the directional facilities of any station not currently classified as critical. The Commission seeks comment on each aspect of this proposal.

List of Subjects in 47 CFR Part 73

Radio.

Federal Communications Commission.

William F. Caton,

Deputy Secretary.

[FR Doc. 99-19096 Filed 7-26-99; 8:45 am]

BILLING CODE 6712-01-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 600 and 648

[I.D. 063099A]

RIN 0648-A178

Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Herring Fishery; Atlantic Herring Fishery Management Plan

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

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

SUMMARY: NMFS announces that the New England Fishery Management Council (Council) has submitted the

Atlantic Herring Fishery Management Plan (FMP) for Secretarial review and is requesting comments from the public. The FMP would allow for the development of a sustainable fishery that targets the entire U.S. Atlantic herring resource more evenly to achieve optimum yield (OY). Overfishing would be prevented through the use of total allowable catch (TAC) allocations for distinct management areas. An annual scientific review of the resource would allow for adjustments to the fishery as a result of fluctuations in stock size. Development of the FMP was coordinated closely with the Atlantic States Marine Fisheries Commission (Commission) and Mid-Atlantic Fishery Management Council (MAFMC) in order to assure complementary management measures in both state and Federal waters.

DATES: Comments must be received on or before September 27, 1999.

ADDRESSES: Comments on the Atlantic Herring FMP should be sent to Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930-3799. Mark the outside of the envelope, "Comments on Herring FMP."

Copies of the Atlantic Herring FMP, its regulatory impact review, initial regulatory flexibility analysis, the final environmental impact statement, the Omnibus Essential Fish Habitat Amendment, and supporting documentation are available from Paul J. Howard, Executive Director, New England Fishery Management Council, 5 Broadway, Saugus, MA 01906-1036.

FOR FURTHER INFORMATION CONTACT: E. Martin Jaffe, Fishery Policy Analyst, 978-281-9272.

SUPPLEMENTARY INFORMATION:

The FMP proposes an overfishing definition and implementation of the following measures under authority of the the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act): (1) TAC levels for each of the three management areas, one of which is divided into inshore and offshore sub-areas; (2) a procedure to develop annual specifications; (3) initial plan specifications for the 1999 fishing year; (4) effort limits through mandatory days out of the fishery; (5) spawning closures; (6) trip limits for incidental harvest during spawning closures or when effort controls are in effect; (7) a vessel monitoring system (VMS) requirement; (8) vessel size limits; (9) a framework adjustment process; (10) permitting and reporting requirements; (11) restrictions on transfers at sea; and (12) other measures for administration and enforcement. The

FMP also discusses the reduction and monitoring of bycatch and a roe fishery.

The purpose of the FMP is to achieve, on a continuing basis, OY from the fishery and to prevent overfishing of the Atlantic herring resource. In addition, the FMP will provide for the orderly development of the offshore and inshore fisheries.

Overfishing Definition

The FMP proposes an overfishing definition for Atlantic herring comprised of two status determination criteria. If stock biomass is equal or greater than B_{MSY} (the biomass level at maximum sustainable yield), overfishing occurs when the fishing mortality rate exceeds F_{MSY} (the fishing mortality rate that yields B_{MSY}). If stock biomass is below B_{MSY} , overfishing occurs when the fishing mortality rate exceeds the level that has a 50-percent probability of rebuilding stock biomass to B_{MSY} in 5 years ($F_{threshold}$). The stock is in an overfished condition when stock biomass is below $\frac{1}{2}B_{MSY}$ and overfishing occurs when fishing mortality exceeds $F_{threshold}$. These criteria are thresholds and form the basis for the control rule.

The control rule also specifies risk averse fishing mortality rate targets, accounting for uncertainty in the estimate of F_{MSY} . If stock biomass is equal to or greater than $\frac{1}{2}B_{MSY}$, the target fishing mortality rate will be the lower limit of the 80-percent confidence interval about F_{MSY} . When biomass is below B_{MSY} , the target fishing mortality rate will be reduced consistent with the 5-year rebuilding schedule used to determine $F_{threshold}$. Since the Atlantic herring stock is not listed as "overfished" or "approaching an overfished condition" in the Annual Report to Congress for 1998, the Council was not required to submit a rebuilding strategy as part of the FMP at this time.

Essential Fish Habitat (EFH)

The Council submitted an omnibus EFH amendment to address EFH provisions for several FMPs for Northeastern fisheries. The omnibus EFH amendment document also included the EFH components of the proposed Atlantic herring FMP, which was then still under development by the Council. Although the Atlantic herring EFH components were included in the omnibus EFH amendment, they were not considered during Secretarial review of the omnibus EFH amendment. For Atlantic herring, the notice of availability for the omnibus EFH amendment (63 FR 66110, December 1, 1998) stated that "the omnibus amendment includes the EFH

components of the Atlantic Herring FMP that is being developed by the NEFMC. The EFH information for Atlantic Herring will be incorporated by reference into the Atlantic Herring FMP when that FMP is submitted for Secretarial approval." Therefore, with publication of this notice of availability for the Atlantic Herring FMP, the public is also invited to comment on the approvability of the herring EFH provisions in the Council's omnibus EFH amendment. The EFH component of the omnibus EFH amendment describes and identifies EFH for Atlantic herring, discusses measures to address the effects of fishing and non-fishing impacts on EFH, and identifies other actions for the conservation and enhancement of EFH. The comment period for the EFH provisions of the Atlantic herring FMP is the same as it is for this notice of FMP availability. The Council intends to review periodically the EFH designations for Atlantic herring under this FMP and, if needed, will update them. This FMP would authorize any revision to the EFH components through the FMP's framework process.

Management Measures of Concern

While NMFS seeks comment on all of the management issues in the FMP, it invites specific public comment on the following measures for the reasons stated:

Restrictions on the Size of Domestic Fishing and Processing Vessels

This measure would prohibit domestic vessels > 165 ft (50.3 m) in length, or > 750 gross registered tons (GRT) (680.4 mt), or > 3,000 horsepower from fishing for Atlantic herring in the exclusive economic zone (EEZ), but would allow such vessels to process herring if U.S. at-sea processing (USAP) is specified in a given year. Foreign vessels, regardless of size, could also process herring in the EEZ if joint venture processing (JVP) is specified. This could create the possibility that some foreign processing vessels would receive larger allocations than some domestic processing vessels. For example, the proposed 1999 specifications for USAP is zero, whereas the JVP is specified to be 40,000 mt.

Regarding the proposed harvesting vessel size restriction, NMFS notes discrepancies in the size, capacity and/or horsepower restrictions between the Atlantic herring and Atlantic mackerel fisheries. NMFS seeks comment on this measure because the same vessels often participate in the herring and mackerel fisheries; the incidental catch in the herring fishery is likely to consist of

mackerel; the incidental catch in the mackerel fishery is likely to consist of herring; and differences in the size, capacity and/or horsepower restrictions within similar fisheries in the same waters may prove to be confusing, administratively burdensome, and difficult to enforce.

Proposed Scheme to Restrict Fishing to Specific Days Based on the Proportion of the TAC Caught in a Management Area

This measure would require NMFS to determine when harvesters have reached 40, 65, and 80 percent of the TAC in any of the four management areas, at which time NMFS would be required to project further when the catch would exceed 50, 75, and 90 percent of the TAC, and if the TAC will be exceeded. If NMFS projects that the TAC will be exceeded, then fishermen would be required to stop fishing for herring for a certain number of days in order to prevent the TAC from being exceeded.

NMFS is concerned that this "days out of the fishery" measure may be administratively burdensome. Further, considering that there is no limited or controlled access in the fishery other than restrictions on the size of domestic fishing and processing vessels, fishermen could increase their participation in the fishery (through additional vessels or hours), adjust their schedules to work around the days-out restriction, or substitute other forms of effort (increased landings during the days available for fishing or shift effort into other management areas) in response to the restricted days, thereby reducing or eliminating the conservation benefit of the "days-out-of-the-fishery" measure.

Spawning Area Closures

To protect spawning concentrations of herring, the FMP would implement five closed areas in the GOM to directed fishing for herring. These areas would be closed on a rotating basis for specified time periods. When an area is closed, fishing vessels could possess, land, or transfer up to 2,000 lb (907.2 kg) of herring per calendar day or per trip, whichever is least, from or in that area.

Allowing vessels to fish in areas designated closed during certain times of the year for spawning herring and allowing an incidental catch of spawning herring may be counter-productive and fail to protect spawning herring. Further, it may pose enforcement problems.

Adjustment of the TAC for Management Area 1A

This measure would require the Regional Administrator to adjust the TAC for Management Area 1A if she determines that the New Brunswick, Canada, fixed gear fishery will not harvest 20,000 mt of Atlantic herring by October 1. This measure may be problematic because a real-time mechanism to monitor the Canadian catch does not exist, and adjusting the TAC after October 1 might not provide much benefit before the fishing year is over on December 31.

Specification of the Amount of Herring to be Used for Roe in a Roe Fishery

This measure would require that the Regional Administrator specify the amount of herring to be used for roe, should the amount harvested become a concern. Even though the Regional Administrator would make the decision based upon the recommendation of the Council (which would first consult with the Commission), the FMP as submitted by the Council provides no standards by which the Regional Administrator could base her determination.

A proposed rule that would implement the FMP will be published in the **Federal Register** for public comment after NMFS has evaluated it under the procedures of the Magnuson-Stevens Act. Public comments on the proposed rule must be received by September 27, 1999, the end of the comment period for this notice of availability on the FMP, to be considered in the decision concerning approval or disapproval of the management measures contained in the FMP. All comments received by September 27, 1999, whether specifically directed to the FMP or the proposed rule, will be considered in the approval/disapproval decision on the FMP. Comments received after that date will not be considered in the approval/disapproval decision on the FMP. All comments received on the FMP or on the proposed rule will be responded to in the preamble to the final rule.

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

Dated: July 21, 1999.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
[FR Doc. 99-19171 Filed 7-26-99; 8:45 am]

BILLING CODE 3510-22-F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[I.D. 071699E]

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources; Public Hearings

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

ACTION: Notice of public hearings; request for comments.

SUMMARY: The South Atlantic Fishery Management Council (Council) will convene four public hearings on Draft Amendment 12 to the Fishery Management Plan for Coastal Migratory Pelagics in the Gulf of Mexico and South Atlantic (draft Amendment 12) and its draft environmental assessment (draft EA) and draft regulatory impact review (draft RIR). Draft Amendment 12 contains provisions for extending the commercial king mackerel permit moratorium for 3 or 5 years from its current expiration date of October 15, 2000, to provide time for the Council and the Gulf of Mexico Fishery Management Council to develop and implement a controlled access system for the king mackerel fishery.

DATES: Written comments will be accepted until 5 p.m. on September 16, 1999. The hearings will be held from August 16 through August 18, 1999. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

ADDRESSES: Written comments should be sent to Bob Mahood, Executive Director, South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, SC 29407-4699. Copies of draft Amendment 12 and EA are available from Kerry O'Malley at 843-571-4366. Draft Amendment 12 and its draft EA and draft RIR will also be available to the public at the hearings.

The hearings will be held in Florida, South Carolina, and North Carolina. See **SUPPLEMENTARY INFORMATION** for locations of the hearings and special accommodations.

FOR FURTHER INFORMATION CONTACT: Kerry O'Malley, South Atlantic Fishery Management Council, 843-571-4366; Fax: 843-769-4520; E-mail address: kerry.omalley@noaa.gov.

SUPPLEMENTARY INFORMATION: The Council will hold public hearings on

draft Amendment 12 and its draft EA and draft RIR. Draft Amendment 12 includes management measures that would extend the commercial king mackerel permit moratorium beyond its current expiration date of October 15, 2000. The following options are being considered by the Council, with B as the preferred option: Option A—Extend the commercial king mackerel permit moratorium from its current expiration date of October 15, 2000, to October 15, 2003, or until replaced with a license limitation, limited access, and/or individual fishing quota or individual transferable quota system, whichever occurs first; and Option B—Extend the commercial king mackerel permit moratorium from its current expiration date of October 15, 2000, to October 15, 2005, or until replaced with a license limitation, limited access, and/or individual fishing quota or individual transferable quota system, whichever occurs first.

The hearings will begin at 6 p.m. and will end when all business is completed at all of the following locations:

1. Monday, August 16, 1999--Carteret Community College, 3505 Arendell Street, Morehead City, NC; telephone: 919-247-3094;

2. Tuesday, August 17, 1999--Town & Country Inn, 2008 Savannah Highway, Charleston, SC; telephone: 843-571-1000;

3. Tuesday, August 17, 1999--Best Western-Miami Airport, 1550 NW LeJuene Road, Miami, FL; telephone: 305-871-2345; and

4. Wednesday, August 18, 1999--Sea Turtle Inn, 1 Ocean Blvd, Atlantic Beach, FL; telephone: 800-874-6000.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office (see **ADDRESSES**) by August 9, 1999.

Dated: July 21, 1999.

Gary C. Matlock,

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

[FR Doc. 99-19173 Filed 7-26-99; 8:45 am]

BILLING CODE 3510-22-F