

3. In § 648.14, paragraphs (c)(23), (c)(24), and (c)(25) are suspended and paragraphs (c)(27), (c)(28), (c)(29), and (c)(30) are added to read as follows:

**§ 648.14 Prohibitions.**

\* \* \* \*

(c) \* \* \*  
(27) Fail to enter port and call-out of the DAS program no later than 14 DAS after starting (i.e., the time of the issuance of the DAS authorization number) a multispecies DAS trip, as specified in § 648.10(f)(3)(iii), unless otherwise specified in § 648.86(b)(1)(iv), or unless the vessel is fishing under the cod exemption specified in § 648.86(b)(2).

(28) Enter port, while on a multispecies DAS trip, in possession of more than the allowable limit of cod specified in § 648.86(b)(1)(iv) without reporting the cod hail weight, unless the vessel is fishing under the cod exemption specified in § 648.86(b)(2). Under no circumstances may such a trip exceed 14 days in length.

(29) Fail to remain in port for the appropriate time specified in § 648.86(b)(1)(ii), except for transiting purposes, provided the vessel complies with § 648.86(b)(5).

(30) Land more than the allowable limit of cod specified in § 648.86(b)(1)(iv), unless the vessel is fishing under the cod exemption specified in § 648.86(b)(2).

\* \* \* \*

4. In § 648.82, paragraph (b)(3)(i) is suspended and paragraph (b)(3)(iii) is added to read as follows:

**§ 648.82 Effort-control program for limited access vessels.**

\* \* \* \*

(b) \* \* \*

(3) \* \* \*

(iii) *DAS allocation.* A vessel qualified and electing to fish under the small vessel category may retain up to 300 lb (136.1 kg) of cod, haddock, and yellowtail flounder, combined, per trip without being subject to DAS restrictions, 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. Such a vessel is not subject to a possession limit for other NE multispecies.

\* \* \* \*

5. In § 648.86 paragraphs (b)(1)(i), (b)(1)(ii)(A), and (b)(3) are suspended and paragraphs (b)(1)(iv) and (b)(5) are added to read as follows:

**§ 648.86 Possession restrictions.**

\* \* \* \*

(b) \* \* \*

(1) \* \* \*

(iv) *Landing limit.* Notwithstanding any other provisions of this part, the following measures shall be in effect from August 3, 1999 until January 30, 2000. Except as provided in paragraph (b)(2) of this section, and subject to the call-in provision specified in § 648.10(f)(3)(iii), a vessel fishing under a NE multispecies DAS may land only up to 100 lb (45.4 kg) of cod during the first 24-hour period after the vessel has started a trip on which cod were landed (e.g., a vessel that starts a trip at 6 a.m. may call out of the DAS program at 11 a.m. and land up to a 100 lb (45.4 kg), but the vessel cannot land any more cod on a subsequent trip until at least 6 a.m. on the following day). For each trip longer than 24 hours, a vessel may land up to an additional 100 lbs (45.4 kg) for each additional 24-hour block of DAS fished, or part of an additional 24-hour block of DAS fished, up to a maximum of 500 lb (226.8 kg) per trip (e.g., a vessel that has been called into the DAS program for 48 hours or less, but more than 24 hours, may land up to but no more than 200 lb (90.7 kg) of cod). A vessel that has only been called into part of an additional 24-hour block of a DAS (e.g., a vessel that has been called into the DAS program for more than 24 hours but less than 48 hours) may land up to an additional 100 lb (45.4 kg) of cod for that trip provided that the vessel complies with the following:

(A) The vessel operator does not call-out of the DAS program as described under § 648.10(c)(3) and does not depart from a dock or mooring in port, unless transiting as allowed in paragraph (b)(5) of this section, until the rest of the additional 24-hour block of the DAS has elapsed regardless of whether all of the cod on board is offloaded (e.g., a vessel that has been called into the DAS program for 25 hours, at the time of landing, may land only up to 200 lb (90.7 kg) of cod, provided the vessel does not call out of the DAS program or leave port until 48 hours have elapsed from the beginning of the trip).

(B) Comply with paragraph (b)(1)(ii)(B) of this section.

(C) Vessels must have at least one standard tote on board. Cod on board a vessel subject to this landing limit must be separated from other species of fish and stored so as to be readily available for inspection.

\* \* \* \*

(5) *Transiting.* A vessel that has exceeded the cod landing limit as specified in paragraph (b)(1) of this section, and is therefore, subject to the requirement to remain in port for the period of time described in paragraph

(b)(1)(iv) of this section may transit to another port during this time, provided that the vessel operator notifies the Regional Administrator (see Table 1 to § 600.502 of this chapter) either at the time the vessel reports its hailed weight of cod or at a later time prior to transiting and provides the following information: vessel name and permit number, destination port, time of departure, and estimated time of arrival. A vessel transiting under this provision must stow its gear in accordance with one of the methods specified in § 648.81(e) and may not have any fish on board the vessel.

\* \* \* \*

6. In § 648.88, paragraph (a)(1) is suspended and paragraph (a)(3) is added to read as follows:

**§ 648.88 Open access permit restrictions.**

(a) \* \* \*

(3) Notwithstanding any other provisions of this part, the following measures shall be in effect from August 3, 1999 until January 30, 2000. The vessel may possess and land up to 300 lb (136.1 kg) of cod, haddock, and yellowtail flounder, combined, per trip, and unlimited amounts of the other NE multispecies, provided that the amount of cod on board does not exceed the daily cod limit specified in § 648.86(b)(1)(iv), up to a maximum of 300 lb (136.1 kg) of cod for the entire trip, and that the vessel does not use or possess on board gear other than rod and reel or handlines while in possession of, fishing for, or landing NE multispecies, and provided it has at least one standard tote on board.

\* \* \* \*

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 648**

[Docket No. 990723203-9203-01; I.D. 061599A]

**RIN 0648-AM65**

**Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Framework Adjustments 27 and 30 to the Northeast Multispecies Fishery Management Plan (FMP)**

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

**ACTION:** Final rule.

**SUMMARY:** NMFS issues this final rule to implement some of the measures contained in Framework 30 of the Northeast Multispecies Fishery Management Plan (FMP). This final rule implements a Georges Bank (GB) cod landing limit (daily landing limit) of 2,000 lb (907 kg) per day-at-sea (DAS) starting August 15, 1999, with a maximum possession limit (possession limit) of 20,000 lb (9,072 kg) per trip. This rule also authorizes the Administrator, Northeast Region, NMFS (Regional Administrator), to adjust the daily landing limit and possession limit depending on the risk of exceeding the target total allowable catch (TAC), or not catching 75 percent of the TAC for GB cod. This action is necessary to reduce the GB cod fishing mortality rate (F) to achieve the rebuilding goals of the FMP. This rule also corrects the final rule implementing Framework Adjustment 27 to the FMP, which was published on May 5, 1999, and provides revised definitions for purposes of clarification for pelagic longline gear and pelagic hook and line gear.

**DATES:** Effective July 29, 1999.

**ADDRESSES:** Copies of the Framework 30 document, its Regulatory Impact Review, the Environmental Assessment, and other supporting documents are available from Paul J. Howard, Executive Director, New England Fishery Management Council, 5 Broadway (Route 1), Saugus, MA 01906-1036.

**FOR FURTHER INFORMATION CONTACT:** Regina L. Spallone, Fishery Policy Analyst, 978-281-9221.

**SUPPLEMENTARY INFORMATION:**

**Background**

Amendment 7, which became effective on July 1, 1996, established a procedure for reviewing annually the FMP and making adjustments to management measures to achieve the rebuilding objectives. The New England Fishery Management Council (Council) conducted a review during December 1998 and January 1999 for the May 1999 fishing year, and submitted proposed measures contained in Framework 27 to address the severely depleted Gulf of Maine (GOM) cod stock. The final rule implementing Framework 27 was published on May 5, 1999 (64 FR 24066). In Framework 27, the Council was unable to complete development of measures to reduce F on GB cod by the necessary 22 percent to achieve the  $F_{0.1}$  objective for that stock for the 1999 fishing year, as indicated in the Multispecies Monitoring Committee's annual report. Framework 30, therefore, is a continuation of the annual

adjustment for the multispecies fishery for May 1999 through April 2000, initiated with Framework 27.

**Approved Measures**

This rule establishes a daily landing limit of 2,000 lb (907 kg) per DAS, with a possession limit of 20,000 lb (9,072 kg) per trip, on vessels enrolled in the GOM Cod Trip Limit Exemption Program. NMFS is approving these measures to reduce the GB cod fishing mortality rate (F) and increase the chances of achieving the rebuilding targets of the FMP. This rule also authorizes the Regional Administrator to reduce the allowable cod daily landing limit and possession limit for GB cod, when 75 percent of the target TAC for that stock is projected to be reached. The lower cod daily landing limit and possession limit would be calculated to keep landings below the target TAC. On the other hand, on or after January 1, 2000, the Regional Administrator is authorized to increase the daily landing limit and possession limit, if there is a high probability that GB cod landings for the fishing year are projected to be less than 75 percent of the TAC for that stock. The higher daily landing limit and possession limit would be calculated to a level that would allow landings to reach at least 75 percent of the TAC for GB cod.

This rule also implements a technical change to clarify the Council's intent of Framework 27 by removing language that would require gear stowage for vessels transiting the GOM/GB Inshore Restricted Roller Gear Area with roller gear in excess of 12 inches (30.48 cm) in diameter. The Council voted to recommend this change from the proposed rule for Framework 27 during the Council meeting on April 15, 1999, citing the need to relieve a burdensome restriction that requires all vessels, before transiting the area, to stow gear in which the diameter of any part of the trawl footrope (including discs, rollers, or rockhoppers) exceeds the minimum size authorized in the GOM/GB Inshore Restricted Roller Gear Area. However, since the comment period for Framework 27 closed on April 13, 1999 (64 FR 14846, March 29, 1999), and the Council did not address the matter until after that time, the measure could not be incorporated into the final rule for Framework 27. The final rule for Framework 27 was published on May 5, 1999 (64 FR 24066). This rule deletes the Restricted Area transiting provision in § 648.80(a)(2)(iv) in response to the Council's clarification of its intent in Framework 27.

In addition, "exempted gear," as defined at § 648.2, means gear that is

deemed to be not capable of catching Northeast multispecies, and includes: Pelagic hook or longline gear, spears, rakes, diving gear, cast nets, tongs, harpoons, weirs, dipnets, stop nets, pound nets, pelagic gillnets, pots and traps, purse seines, shrimp trawls (with a properly configured grate), surf clam and ocean quahog dredges, and midwater trawls. For clarification purposes, this rule replaces the definition of "pelagic hook or longline gear" with two definitions: one for "Pelagic longline gear" and another for "pelagic hook and line gear."

The preamble to the final rule implementing Framework 27 correctly indicated that scallop dredge gear is considered exempted gear in the newly closed areas in Framework 27 when vessels are fishing under a scallop DAS, provided that the vessel does not retain any regulated multispecies during any part of a trip (see 64 FR 24067, May 5, 1999, column 3, under Area Closures and Exemptions). The Council specifically clarified that "newly closed areas" refer only to the Rolling Closure Areas specified in Framework 27, as well as the Cashes Ledge Closure Area. It did not refer to Closed Areas I and II, the Nantucket Lightship Closed Area, or the Western GOM Area Closure. However, the regulatory text for Framework 27 at § 648.81(i)(2) incorrectly indicated that vessels fishing under scallop DAS are exempt from the Western GOM closure. The inadvertent inclusion of scallop dredge gear in the list of exemptions for the Western GOM is being corrected by this action, in accordance with the intent of Framework Adjustment 27. Because scallop dredge gear is not considered exempted gear in the Western GOM Area Closure, it is removed from the list of exemptions at § 648.81(i)(2).

**Disapproved Measure**

The framework action, as proposed by the Council, included a large 30-day GB closure area off Cape Cod. The Council intended that this closure area would be effective, if possible, in June 1999 but recognized that the measure might be implemented in July 1999. Analysis for both months was included in the documentation for the action and showed that a closure in June 1999 was expected to reduce mortality of GB cod by about 11 percent, and by 8 percent for a July 1999 closure. This option was selected based on an optimistic assumption of no effort displacement occurring as the result of a 30-day closure. An alternative option, which simulated possible displacement, showed a 2.7 percent mortality

reduction from a June 1999 closure, and less than 2.7 percent for July 1999.

Because implementation of this action could not occur within the months analyzed in the framework documents, the GB closure provision is disapproved since the conservation basis for the closure diminishes with time as concentrations of cod disperse after the spring spawning period.

The effect of this disapproval is that the 22-percent reduction of F for GB cod will need to be achieved solely by the daily landing limit and possession limit, which may have to be reduced by the RA sooner in the absence of an area closure. However, if displacement would have been extensive during a June or July 1999 closure, then most of the reduction of F would have still been accomplished by the daily landing limit and possession limit. Because larger offshore vessels tend to be affected more by a daily landing limit, and small inshore vessels by inshore area closures, the differential impact on these sectors may be changed, at least slightly.

#### Abbreviated Rulemaking

NMFS is making these revisions to the regulations under the framework abbreviated rulemaking procedure codified at 50 CFR part 648, subpart F. This procedure requires the Council, when making specifically allowed adjustments to the FMP, to develop and analyze the actions over the span of at least two Council meetings, at which public comments are accepted. The Council must provide the public with advance notice of both the framework proposals and the associated analyses, and provide an opportunity to comment on them specifically, prior to and at the second Council meeting. Upon review of the analyses and public comments, the Council may recommend to the Regional Administrator that the measures be published as a final rule, or as a proposed rule, if additional public comment is necessary.

The initial and final meetings for Framework 27 were on December 10, 1998, and January 27-28, 1999, respectively. During these meetings the Council focused its efforts on developing measures to reduce fishing effort on GOM cod, which the best scientific information available indicated was collapsing. To avoid any delay in implementing management measures to protect GOM cod, the Council initiated Framework 30 to address GB cod. The initial and final meetings for Framework 30 were February 24-25, 1999, and April 14-15, 1999, respectively. The Council's Groundfish Committee and Industry Advisory Panel also held meetings and

took public comment on the proposals on March 22 and 23, 1999, respectively.

At the joint meeting of the committee and advisory panel, which followed the initial framework meeting, the Council received a new proposal for GB cod from a group of fishing industry representatives. Because the industry proposal was in the preliminary stages of development, the Council decided that it could not delay further the implementation of GB cod protection measures and continued development of Framework 30.

#### Comments and Responses

Documents summarizing the Council's proposed action and the analysis of biological, economic, and social impacts of this and alternative actions were available for public review 1 week prior to the final meeting, as required under the framework adjustment process. Written comments were accepted up to and during that meeting.

*Comment 1:* Many members of the fishing industry, representing all of the major gear sectors, spoke out against the use of a daily landing limit because it would cause discards, be difficult and costly to enforce, and not necessarily produce the desired result.

*Response:* The Council considered a wide range of alternatives to achieve the FMP objective of a 22-percent reduction in F. It adopted the GB cod daily landing limit as a contingency measure, which is being implemented under this rule, since the alternative proposal contained in Framework 31 will not be voted on by the Council and submitted to NMFS by August 15, 1999. The Council originally selected August 15, 1999, as the anticipated date for Council approval and NMFS implementation of Framework 31 that would supersede the GB cod daily landing limit. The Council chose this measure because, unlike area closures and DAS reductions, the daily landing limit focuses the needed conservation restrictions on the vessels targeting cod, with minimal impact on vessels targeting other regulated species. The Council did not include a running clock provision, partly because of enforceability concern and the possibility that it would enable vessels to circumvent the conservation benefits of Framework 30. By including both a daily landing limit and a possession limit, the Council reduced the potential for discards, especially when vessels that exceed the daily landing limit can reduce the incidental catch of cod. The Council also provided authority to the Regional Administrator to adjust the daily landing limit and possession limit

to reduce the risk of exceeding the target TAC.

*Comment 2:* Several members of the fishing industry, as well as representatives of an organization claiming at least 500 supporters, asked the Council to seek a closure of the multispecies fishery on GB in May, through emergency action by the Secretary of Commerce. The commenters expressed concern that not implementing such a measure prior to the June-July peak period of cod landings would result in a succession of more severe restrictions in the future to achieve the same reductions in F.

*Response:* The Council and NMFS determined that the present circumstances did not meet the requirements for an emergency action, and that the Council could not justify circumventing the normal framework process that allows all the affected public to comment on the alternatives and analysis of impacts. However, once it became apparent that the effective date of this action would not occur prior to mid-July, the conservation benefits accrued from the proposed GB closure no longer justified the administrative and industry burden associated with such a closure. Thus, this measure is disapproved. NMFS believes that the daily landing limit and possession limit and the adjustment mechanism implemented under this action will ensure that the 1999 fishing year target TAC is not exceeded.

*Comment 3:* Members of the affected fishing industry and their representatives urged the Council to consider a plan developed through a number of meetings and an outreach program that included all gear sectors, as well as fish processors and dealers. This plan called for a mandatory 30-day block of time out of the multispecies fishery during each quarter, reductions in the amount or size of gear fished, and an increase in the minimum size of cod.

*Response:* The Council agreed to consider this proposal and develop it as a separate framework adjustment, Framework 31. If Framework 31 had been adopted and implemented when the Council originally intended, it would have superseded the GB cod limits scheduled to take effect on August 15, 1999, under Framework 30. However, at the final meeting for Framework 31, on May 26-27, 1999, a review of the analysis indicated that the proposal may not achieve the intended goals. Thus, no further action was taken to approve Framework 31.

*Comment 4:* Several members of the fishing communities on Cape Cod stated that the alternatives under consideration by the Council would impact

disproportionately small, inshore vessels and their homeport communities.

*Response:* A large GB closure would have had a disproportionate impact on small, inshore vessels that fish out of Cape Cod ports due to the inability of some of these vessels to travel beyond the closure to fish elsewhere during the closure period. As noted above, this portion of the framework has been disapproved.

#### Classification

In accordance with the framework procedures, the public already received prior notice and an opportunity to comment on the measures in this rule. Comments received from the public are summarized and responded to in the preamble of this rule. Pursuant to 5 U.S.C. 553(b)(B), the AA finds for good cause that providing additional prior notice and opportunity for public comment is impracticable and contrary to the public interest in the conservation and sustainable use of the GB cod resource. Additional prior notice and opportunity for comment would reduce the chances of achieving the 22 percent reduction in F needed to meet rebuilding targets of this overfished stock in a timely manner, to allow for the sustainable use of GB cod.

Pursuant to 5 U.S.C. 553(d)(3), the AA finds good cause to waive the normally required 30-day delay in the effective date. Immediate implementation of this final rule will decrease the need for more severe reductions in F associated with a later effective date and will reduce the risk of exceeding the target TAC. Fishermen will be notified of the new daily landing limit and possession limit via NOAA weather radio, Coast Guard announcements, and letters to permit holders. In addition, industry has planned its GB cod fishing activities on the expectation that the daily landing limit and possession limit will start on August 15, 1999, as proposed by the Council. A later effective date would therefore disrupt the fishery and fishery-dependent communities.

Because prior notice and opportunity for public comment are not required for this rule by 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, are inapplicable. Consequently, no regulatory flexibility analysis has been prepared. Nevertheless, the socioeconomic impacts on affected small entities, as well as alternatives to mitigate such impacts, were considered in the regulatory impact review contained in the supporting analyses for Framework 30.

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

#### List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: July 27, 1999.

**Penelope D. Dalton,**

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

For the reasons stated in the preamble, 50 CFR part 648 is amended as follows:

#### PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

1. The authority citation for part 648 continues to read as follows:

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

2. In § 648.2, the definition for “Pelagic hook or longline gear” is removed, and the definitions for “Pelagic hook and line gear” and “Pelagic longline gear” are added, in alphabetical order, to read as follows:

##### § 648.2 Definitions.

*Pelagic hook and line gear* means handline or rod and reel gear that is designed to fish for, or that is being used to fish for, pelagic species, no portion of which is designed to be or is operated in contact with the bottom at any time.

*Pelagic longline gear* means fishing gear that is not fixed, nor designed to be fixed, nor anchored to the bottom and that consists of monofilament main line (as opposed to a cable main line) to which gangions are attached.

3. In § 648.14, paragraphs (c)(19), (c)(23), and (c)(24) are revised, and a new paragraph (c)(26) is added, to read as follows:

##### § 648.14 Prohibitions.

(c) \* \* \*

(19) Fail to comply with the exemption specifications as described in § 648.86(b)(4).

(23) Fail to enter port and call-out of the DAS program no later than 14 DAS after starting a multispecies DAS trip (i.e., the time a vessel leaves port or when the vessel received a DAS authorization number, whichever comes first), as specified in § 648.10(f)(3), unless otherwise specified in § 648.86(b)(1)(ii), or unless the vessel is fishing under the cod exemption specified in § 648.86(b)(4).

(24) Enter port, while on a multispecies DAS trip, in possession of more than the allowable limit of cod

specified in § 648.86(b)(1)(i) without reporting the cod hail weight, unless the vessel is fishing under the cod exemption specified in § 648.86(b)(4).

\* \* \* \* \*

(26) Fish for, land or possess cod in excess of the cod trip landings and/or maximum possession limits specified in or pursuant to § 648.86(b)(2).

\* \* \* \* \*

4. In § 648.80, paragraph (a)(2)(iv) is revised to read as follows:

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

(a) \* \* \*

(2) \* \* \*

(iv) *Rockhopper and roller gear restrictions.* For all trawl vessels fishing in the GOM/GB Inshore Restricted Roller Gear Area, the diameter of any part of the trawl footrope, including discs, rollers, or rockhoppers must not exceed 12 inches (30.48 cm). The GOM/GB Inshore Restricted Roller Gear Area is defined by straight lines connecting the following points in the order stated:

\* \* \* \* \*

5. In § 648.81, paragraphs (a)(2)(ii) and (i)(2) are revised to read as follows:

##### § 648.81 Closed areas.

(a) \* \* \*

(2) \* \* \*

(ii) Fishing with or using pelagic longline gear or pelagic hook and line gear or harpoon gear, provided that there is no retention of regulated species, and provided that there is no other gear on board capable of catching NE multispecies; or

\* \* \* \* \*

(i) *Western GOM Area Closure.* \* \* \*

(2) Paragraph (i)(1) of this section does not apply to persons on fishing vessels or fishing vessels that meet the criteria in paragraph (g)(2)(ii) or (iii) of this section.

\* \* \* \* \*

6. In § 648.86, paragraph (b)(1) heading and the first sentence of paragraph (b)(1)(i) are revised, paragraph (b)(2) is redesignated as paragraph (b)(4), and a new paragraph (b)(2) is added to read as follows:

##### § 648.86 Landing and possession restrictions.

\* \* \* \* \*

(b) \* \* \* (1) *Gulf of Maine Cod Landing Limit.* (i) Except as provided in paragraphs (b)(1)(ii) and (b)(4) of this section, and subject to the cod landing limit call-in provision specified at § 648.10(f)(3)(i), a vessel fishing under a NE multispecies DAS may land up to

200 lb (90.7 kg) of cod per DAS, or any part of a DAS, unless otherwise specified in this paragraph. \* \* \*

\* \* \* \* \*

(2) *Georges Bank Cod Landing and Maximum Possession Limits.* For the 1999 fishing year, beginning August 15, 1999, and,

(i) For each fishing year thereafter, beginning on May 1, a vessel that is exempt from the landing limit described in paragraph (b)(1) of this section fishing under a NE multispecies DAS may land only up to 2,000 lb (907.2 kg) of cod per DAS, or any part of a DAS, up to a maximum possession limit of 20,000 lb (9,071.8 kg) per trip, unless otherwise specified pursuant to paragraph (b)(2)(ii) of this section. The vessel must have a standard tote on board. Cod on board a vessel subject to

these landing and maximum possession limits must be separated from other species of fish and stored so as to be readily available for inspection.

(ii) When the Regional Administrator projects that 75 percent of the target TAC will be harvested (8.9 million lb (4,012 mt) for the 1999 fishing year), NMFS may publish a notification in the **Federal Register** that, as of a specific date, the landing and/or maximum possession limits specified in paragraph (b)(2) of this section are reduced to a level calculated to keep landings below the target TAC based on the risk of exceeding the target TAC. Cod on board a vessel subject to these landings and maximum possession limits must be separated from other species of fish and stored so as to be readily available for inspection.

(iii) Paragraph (b)(2)(i) of this section notwithstanding, between January 1, and April 30 of each fishing year, if the Regional Administrator projects that less than 75 percent of the target TAC (8.9 million lb (4,012 mt) for the 1999 fishing year) will be harvested by April 30, of the fishing year, NMFS may publish a notification in the **Federal Register** that, as of a specific date, the landings and/or maximum possession limits are increased to the amount that the Regional Administrator projects will be sufficient to allow harvesting of up to 8.9 million lb (4,012 mt) for the 1999 fishing year by April 30, 2000.

\* \* \* \* \*

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