

regulations are subject to a fine. Anglers may obtain further information on the Maryland BFT landing tag program and on the locations of reporting stations from Al Wesche of the Maryland Department of Natural Resources at 410-213-1531.

#### Determination of State Jurisdiction

NMFS has determined that the State of Maryland has implemented regulations for reporting BFT landings that are at least as restrictive as the Federal reporting requirements and are effectively enforced. Therefore, participants in the recreational fishery who land BFT in the State of Maryland are exempt from calling in their catch through the NMFS ACRS. Under State of Maryland regulations, recreational fishermen must report all BFT landings through the Maryland BFT landing tag program. This exemption applies only to ACRS catch reporting; all other Federal regulations for BFT (e.g., seasons, quotas, catch limits, permit requirements, survey participation) continue to apply within the boundary of the State of Maryland. Information on applicable Federal regulations may be obtained by calling 1-888-USA-TUNA or through the internet at: [www.usatuna.com](http://www.usatuna.com).

#### Classification

This action is taken under 50 CFR 285.29(f), and after June 30, 1999, will continue in effect under 50 CFR 635.5(c).

Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act (PRA) unless that collection of information displays a currently valid OMB control number.

This rule involves a collection of information requirement subject to the PRA and approved by OMB under control number 0648-0328. The burden associated with Atlantic BFT catch reporting is estimated at 5 minutes per report, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate, or any other aspect of this data collection, including suggestions for reducing the burden, to NMFS and OMB (see ADDRESSES).

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

The AA has determined that under 5 U.S.C. 553(b)(B) there is good cause to waive the requirement for prior notice

and opportunity for public comment because delaying the final rule to provide for such procedures would be contrary to the public interest in that it would subject recreational fishermen landing BFT in Maryland to duplicative federal and state regulations. This determination of state jurisdiction relieves a restriction by exempting recreational anglers landing BFT in Maryland from the federal requirement to report BFT catch since they are now subject to an effective State reporting requirement that fulfills the same purpose. Under 5 U.S.C. 553(d)(1), because this action relieves a restriction, it is not subject to a 30-day delay in effective date.

Because prior notice and opportunity for public comment is not required for this action by 5 U.S.C. 553 or by any other law, under 5 U.S.C. 603 it is not subject to the analytical requirements of the Regulatory Flexibility Act. Accordingly, no regulatory flexibility analysis was prepared.

Dated: June 21, 1999.

**Gary C. Matlock,**

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

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#### DEPARTMENT OF COMMERCE

##### National Oceanic and Atmospheric Administration

##### 50 CFR Part 648

[Docket No. 981106278-8336-02; I.D. 060999A]

RIN 0648-AL76

##### Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; 1999 Specifications

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

**ACTION:** Inseason adjustment of *Illex* squid annual specifications.

**SUMMARY:** NMFS issues this notification to announce that the Administrator, Northeast Region, NMFS (Regional Administrator), is adjusting the annual specifications for *Illex* squid (*Illex illecebrosus*), including allowable biological catch (ABC), initial optimum yield (IOY), domestic annual harvest (DAH) and domestic annual processing (DAP), from 19,000 metric tons (mt) to 22,800 mt. The regulations for the Atlantic mackerel, squid and butterfish fisheries require publication of this announcement to provide interested

parties the opportunity to comment on the adjustments.

**DATES:** Effective June 25, 1999.

Comments on this notification must be received by July 26, 1999.

**ADDRESSES:** Comments should be sent to Patricia A. Kurkul, Regional Administrator, NMFS, Northeast Regional Office, 1 Blackburn Drive, Gloucester, MA 01930. Mark on the outside of the envelope "Comments on Adjustment of *Illex* Squid Annual Specifications."

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

**SUPPLEMENTARY INFORMATION:** Final 1999 initial specifications for the Atlantic mackerel, squid, and butterfish fisheries were published in the **Federal Register** at 64 FR 1139, January 8, 1999. The *Illex* squid specifications were established as follows: 24,000 mt maximum optimum yield (Max OY); 19,000 mt ABC, IOY, DAH and DAP; 0 mt joint venture processing (JVP); and 0 mt total allowable level of foreign fishing (TALFF).

The Mid-Atlantic Fishery Management Council (Council) submitted Amendment 8 to the Atlantic Mackerel, Squid, and Butterfish Fishery Management Plan (FMP) on October 6, 1998, to bring the FMP into accord with the Magnuson-Stevens Fishery Conservation Management Act as amended by the Sustainable Fisheries Act. The new overfishing definition for *Illex* squid in Amendment 8 included a target yield associated with 75 percent of the fishing mortality at maximum sustainable yield ( $F_{MSY}$ ). The yield was calculated to be 18,000 mt in the Amendment. However, upon review of the new overfishing definition, the Northeast Fishery Science Center (Center) discovered an error in the calculation of the 18,000 mt target yield. The Center's review identified that the Council had calculated the 18,000 mt target yield as 75 percent of maximum sustainable yield, rather than 75 percent of  $F_{MSY}$ . Further, the overfishing definition had inadvertently cited the draft version of the 21<sup>st</sup> Stock Assessment Workshop stock assessment of *Illex*. The Center determined that the actual yield associated with  $F_{MSY}$  in the overfishing definition should be 22,800 mt.

Amendment 8 to the FMP and the associated overfishing definitions were approved on April 28, 1999. The Council chose not to lower the *Illex* squid specifications to the 18,000 mt target yield indicated in Amendment 8

so that the maximum amount of *Illex* squid could be harvested within the goals of the existing FMP. However, the Council, notified of the error in the determination of the 18,000 mt target yield in the Amendment, recommended at its April 29, 1999, meeting that the specifications for *Illex* squid fishery be adjusted to 22,800 mt to allow the maximum amount of harvest allowed by the amended FMP and the new overfishing definition.

The Council requested that NMFS process an emergency action "...or any other action deemed necessary..." to

change the specifications. While an emergency action would not be appropriate, the regulations at § 648.21(e) for Atlantic mackerel, squid, and butterfish allow the Regional Administrator to process an inseason action to adjust the specifications. There is no justifiable reason to limit the industry to 19,000 mt since the target yield to prevent overfishing has been determined to be 22,800 mt. The 22,800 mt specifications would provide the industry with the maximum amount of harvest based on the overfishing

definition for *Illex* squid. Therefore, 22,800 mt is specified as the allowed for ABC, IOY, DAH, and DAP. This action is warranted by the new overfishing definition for *Illex* squid. Max OY would remain at 24,000 mt, and JVP and TALFF would remain at 0 mt.

#### 1999 Final Specifications

The following table contains the final initial specifications for the 1999 Atlantic mackerel, *Loligo* and *Illex* squids, and butterfish fisheries as recommended by the Council.

#### FINAL INITIAL ANNUAL SPECIFICATIONS FOR ATLANTIC MACKEREL, SQUID, AND BUTTERFISH FOR THE FISHING YEAR JANUARY 1 THROUGH DECEMBER 31, 1999.

[mt]

Specifications	Squid		Atlantic Mackerel	Butterfish
	Loligo	Illex		
Max OY	26,000	24,000	<sup>1</sup> N/A	16,000
ABC	21,000	22,800	383,000	7,200
IOY	21,000	22,800	<sup>2</sup> 75,000	5,900
DAH	21,000	22,800	<sup>3</sup> 75,000	5,900
DAP	21,000	22,800	50,000	5,900
JVP	0	0	10,000	0
TALFF	0	0	0	0

<sup>1</sup>Not applicable.

<sup>2</sup>OY may be increased during the year, but the total will not exceed 383,000 mt.

<sup>3</sup>Includes 15,000 mt of Atlantic mackerel recreational allocation.

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

Dated: June 21, 1999.

**Bruce C. Morehead,**

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

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