

any previous grant. Where conditional waivers can be converted to ownership, the Mass Media Bureau will replace the conditional waiver with permanent approval of the relevant assignment or transfer of license. Where a showing based on voice counts does not qualify for ownership, entities with a conditional waiver may also apply for a failed station waiver and may also take advantage of the grandfathering relief accorded in the *Local Ownership Order*.

22. *Settlement*. The Commission will issue a public notice for each market listing all voice count dependent applications filed on the same day that propose station combinations in the market. Applicants will be given a limited period in which to identify for the staff any other application eligible to be included on the list (e.g., any other application filed on the same day as those listed in the notice that proposes a combination implicating the same market). The public notice will also specify a period during which applicants on the list may reach a universal settlement; that is, a settlement that results in grant or dismissal of all applications identified as eligible to participate in the lottery. Any such settlement agreement must comply with all Commission regulations. If no universal settlement is reached during the settlement period, applications for that market will be assigned a processing priority number by random selection. We believe that permitting universal settlements will serve the public interest by permitting processing of an application(s) without random selection, thereby speeding Commission action on the application. We will not accept settlements involving fewer than all eligible applicants for the market. Partial settlements do not facilitate processing as random selection is still required to determine the processing order.

IV. Administrative Matters

23. *Paperwork Reduction Act of 1995 Analysis*. This Order on Reconsideration has been analyzed with respect to the Paperwork Reduction Act of 1995 and found to impose no new reporting requirements on the public.

24. *Supplemental Final Regulatory Flexibility Act Analysis*. Pursuant to the Regulatory Flexibility Act of 1980, as amended, 5 U.S.C. 601 *et seq.*, the Commission's Final Regulatory Flexibility Act Analysis (FRFA) in the August 5, 1999 *Local Ownership Order* was attached as Appendix A to that order. This *Order on Reconsideration* has no significant economic impact on small entities beyond that described in

the discussion of voice tests in the August 5, 1999 FRFA.

25. *Ordering Clauses*. Accordingly, pursuant to the authority contained in Sections 4 (i) & (j), 303(r), 308, 310 and 403 of the Communications Act of 1934, 47 U.S.C. 154 (i) & (j), 303(r), 308, 310 and 403, as amended, this *Order on Reconsideration* is adopted.

26. As the issues resolved herein affect applications that will be filed on November 16, 1999, the effective date of the *Local Ownership Order*, pursuant to 5 U.S.C. 553(d)(3), upon good cause shown, this *Order on Reconsideration* will become effective November 16, 1999.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Federal Communications Commission.

William F. Caton,

Deputy Secretary.

[FR Doc. 99-30019 Filed 11-15-99; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 99040113-01; I.D. 092199D]

Fisheries off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Commercial and Recreational Inseason Adjustments and Reopening from Cape Flattery to Leadbetter Point, WA

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

ACTION: Reopening; inseason adjustments; request for comments.

SUMMARY: NMFS announces the following inseason adjustment: the commercial salmon fishery in the area between Cape Alava to Leadbetter Point, WA, for all salmon except chinook reopened on September 5, 1999, with the suspension of certain gear restrictions and the coho trip limit. The fishery closed on September 13, 1999, and will not reopen until further notification. There were 12,400 coho remaining in the quota when the fishery opened. Earlier in the season the 7,000 chinook quota had been reached and the season was closed. But on September 2, 1999, there was a trade of 1,000 chinook, from the north of Cape Falcon recreational salmon fisheries overall chinook quota, for 2,000 coho from the

14,400 coho remaining in the commercial fishery from Cape Alava to Leadbetter Point, WA. The 2,000 coho traded from the commercial fishery were moved to the Cape Alava to Queets River subarea recreational fishery increasing the coho subarea quota to 4,600 fish. The 1,000 chinook were to be used to cover those chinook mortalities related to chinook hooked and released during the 9-day commercial open period targeting coho. These actions were necessary to conform to the 1999 management measures and were intended to ensure conservation of chinook salmon.

DATES: The commercial salmon fishery from the area between Cape Alava to Leadbetter Point, WA, reopened effective 0001 hours local time (l.t.), September 5, 1999, and closed on September 13, 1999. Comments will be accepted through December 1, 1999.

ADDRESSES: Comments may be mailed to William Stelle, Jr., Regional Administrator, Northwest Region, NMFS, NOAA, 7600 Sand Point Way NE., Bldg. 1, Seattle, WA 98115-0070. Information relevant to this document is available for public review during business hours at the Office of the Regional Administrator, Northwest Region, NMFS.

FOR FURTHER INFORMATION CONTACT: William Robinson, 206-526-6140.

SUPPLEMENTARY INFORMATION:

Background

In the 1999 management measures for ocean salmon fisheries (64 FR 24078, May 5, 1999), NMFS announced that the commercial fishery for all salmon from Cape Flattery (48°23'00" N. lat.) to Cape Alava (48°10'00" N. lat.) West of 125°05'00" W. long. and Cape Alava to Leadbetter Point, WA, would open July 10 through the earliest of September 30, 1999, or attainment of the overall chinook quota (preseason 4,500 chinook guideline) or 20,000 coho quota. In a previous inseason adjustment NMFS transferred 2,500 chinook of the remaining 12,884 chinook salmon from the May/June commercial fishery to the July through September fishery from Cape Flattery to Leadbetter Point, WA, making the total guideline for this area for this period 7,000 chinook salmon (64 FR 42856, August 6, 1999).

NMFS also made the additional inseason adjustments. First, NMFS suspended certain gear restrictions (no more than 4 spreads per line; gear restricted to plugs 6 in (15.2 cm) or longer; flashers without hooks may be used if installed below the second spread from the top and will not be counted as a spread; and no more than

one flasher per line), and also suspended the coho trip limit (where each vessel may possess, land and deliver no more than 100 coho per open period) for the open period from July 31 to August 3, 1999. Second, the fishery was closed for the next scheduled open period, August 7–10, 1999, until relevant data regarding the chinook catch was collected and an analysis completed to make an adequate decision for the remaining season. NMFS kept the area closed to fishing through August 14, 1999. Third, NMFS reopened the area between Cape Alava to Leadbetter Point, WA, from August 14 through August 17, 1999, with suspension of gear restrictions and the coho trip limit. Fourth, the estimated catch of chinook was higher than expected, with the total catch as of August 19, 1999, at 7,224 chinook, exceeding the 7,000 chinook guideline, and the total catch of coho at 4,644; therefore, NMFS closed the area to fishing for the remainder of the scheduled season due to attainment of the 7,000 chinook guideline (64 FR 56177, September 18, 1999).

On September 2, 1999, the Regional Administrator consulted with representatives of the Pacific Fishery Management Council (Council), the Washington Department of Fish and Wildlife (WDFW), and the Oregon Department of Fish and Wildlife (ODFW) to discuss the status of catch in both the commercial and recreational salmon fisheries north of Cape Falcon. Earlier in the season the commercial fishery reached the 7,000 chinook quota between Cape Alava and Leadbetter point, WA, and the season was closed. However, only 4,600 coho had been caught out of the 20,000 coho quota. The recreational fishery in the sub-area between Cape Alava and Queets River, WA, caught 1,975 coho of the sub-area quota of 2,600 coho. The chinook caught in the recreational salmon fishery north of Cape Falcon was 9,077 fish,

approximately 42 percent of the overall chinook quota of 21,400 chinook.

The sub-area between Cape Alava and Queets River was nearing its coho quota; however, the overall recreational chinook catch was well below the 21,400 fish quota and, in light of a decreasing chinook catch rate, it was very unlikely to reach half that amount with the recreational seasons scheduled to close on September 30, 1999. The States recommended a trade of 1,000 chinook from the north of Cape Falcon recreational salmon fishery's overall chinook quota of 21,400 fish, for 2,000 coho transferred out of the 14,400 coho remaining in the commercial fishery from Cape Alava to Leadbetter Point, WA. The 2,000 coho would be moved to the Cape Alava to Queets River subarea recreational fishery, increasing the coho subarea quota from 2,600 to 4,600 fish, and the 1,000 chinook would be used to cover those chinook mortalities related to chinook hooked and released during the 9-day commercial open period targeting coho. In addition, the States recommended that the previous suspension of certain gear restrictions (no more than 4 spreads per line; gear restricted to plugs 6 in (15.2 cm) or longer; flashers without hooks may be used if installed below the second spread from the top and will not be counted as a spread; and no more than one flasher per line), and also the suspension of the coho trip limit (where each vessel may possess, land and deliver no more than 100 coho per open period) be continued for the 9-day commercial open period targeting coho. Therefore, NMFS reopened the commercial salmon fishery in the area between Cape Alava to Leadbetter Point, WA, for all salmon except chinook on September 5 until September 13, 1999, (when the fishery closed for the season until further notification), with 12,400 coho remaining in the quota, suspension of certain gear restrictions, and suspension of the coho trip limit. NMFS

increased the Cape Alava to Queets River subarea recreational salmon fishery's coho subarea quota to 4,600 fish.

Modification of fishing seasons is authorized by regulations at 50 CFR 660.409(b)(1). All other restrictions that applied to these fisheries remained in effect as announced in the annual management measures.

In making these decisions, the Regional Administrator consulted with representatives of the Council, WDFW, and ODFW. The States of Washington and Oregon will manage the commercial and recreational fisheries in state waters adjacent to this area of the exclusive economic zone in accordance with this Federal action. As provided by the inseason notification procedures of 50 CFR 660.411, actual notice to fishermen of these actions was given prior the effective dates by telephone hotline numbers 206–526–6667 and 800–662–9825, and by U.S. Coast Guard Notice to Mariners broadcasts on Channel 16 VHF-FM and 2182 kHz. Because of the need for immediate action to make inseason adjustments to allow harvest and to close the fishery upon achievement of the quota, NMFS has determined that good cause exists for this action to be issued without affording a prior opportunity for public comment. These actions do not apply to other fisheries that may be operating in other areas.

Classification

This action is authorized by 50 CFR 660.409 and 660.411 and is exempt from review under E.O. 12866.

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

Dated: November 9, 1999.

Bruce C. Morehead,

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