

quota (minus a discard estimate) was set at 1,143,087 lb (518,496 kg).

Section 648.121 requires the Administrator, Northeast Region, NMFS (Regional Administrator) to monitor the commercial scup quota for each quota period and, based upon dealer reports, state data, and other available information, to determine when the commercial quota has been harvested. The Regional Administrator is further required to publish notification in the **Federal Register** advising and notifying commercial vessels and dealer permit holders that, effective upon a specific date, the scup commercial quota has been harvested and no commercial quota is available for landing scup for the remainder of the Winter I period. The Regional Administrator has determined, based upon dealer reports and other available information, that the scup commercial quota for the 1999 Winter I period has been harvested.

The regulations at § 648.4(b) provide that Federal scup moratorium permit holders agree, as a condition of the permit, not to land scup in any state after NMFS has published a notification in the **Federal Register** stating that the commercial quota for the period has been harvested and that no commercial quota for the scup is available. Therefore, effective 0001 hours, April 1, 1999, further landings of scup in coastal states from Maine to North Carolina by vessels holding commercial Federal fisheries permits are prohibited through April 30, 1999. The Summer period for commercial scup harvest will open on May 1, 1999. Effective April 1, 1999, federally permitted dealers are also advised that they may not purchase scup from federally permitted vessels that land in coastal states from Maine through North Carolina for the remainder of the Winter I period (through April 30, 1999).

#### Classification

This action is required by 50 CFR part 648 and is exempt from review under E.O. 12866.

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

Dated: March 29, 1999.

**Bruce C. Morehead,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
[FR Doc. 99-8192 Filed 3-31-99; 1:02 pm]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 990304063-9063-01; I.D. 033199A]

#### Fisheries of the Exclusive Economic Zone Off Alaska; Trawling in Steller Sea Lion Critical Habitat in the Central Aleutian District of the Bering Sea and Aleutian Islands

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

**ACTION:** Closure.

**SUMMARY:** NMFS is prohibiting trawling within Steller sea lion critical habitat in the Central Aleutian District of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary because the 1999 critical habitat percentage of Atka mackerel established for the Central Aleutian District has been reached.

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), March 31, 1999, until the end of the 1999 directed fishery for Atka mackerel within the Central Aleutian District.

**FOR FURTHER INFORMATION CONTACT:** Mary Furuness, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fishery in the BSAI exclusive economic zone according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at Subpart H of 50 CFR part 600 and 50 CFR part 679.

The Final 1999 Harvest Specifications of Groundfish for the BSAI (64 FR 12103, March 11, 1999) established the 1999 TAC for Atka mackerel in the Central Aleutian District as 10,360 metric tons (mt), of which no more than 8,288 mt may be harvested from critical habitat. See § 679.20(c)(3)(iii) and 679.22(a)(8)(iii)(B).

In accordance with § 679.22(a)(8)(iii)(A), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the allowable harvest of Atka mackerel in Steller Sea lion critical habitat in the Central Aleutian District as specified under the Final 1999 Harvest Specification has been reached.

Consequently, NMFS is prohibiting trawling in critical habitat, as defined at 50 CFR part 226, Table 1, Table 2, and Figure 4, in the Central Aleutian District of the BSAI.

#### Classification

This action responds to the best available information recently obtained from the fishery. It must be implemented immediately to avoid jeopardy to the continued existence of Steller sea lions. A delay in the effective date is impracticable and contrary to the public interest. NMFS finds for good cause that the implementation of this action should not be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

This action is required by § 679.20 and is exempt from review under E.O. 12866.

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

Dated: March 31, 1999.

**Bruce Morehead,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 990304063-9062-01; I.D. 033099B]

#### Fisheries of the Exclusive Economic Zone Off Alaska, Pacific Cod in the Gulf of Alaska

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

**ACTION:** Apportionment of reserve.

**SUMMARY:** NMFS is apportioning the initial reserve of Pacific cod in the Gulf of Alaska (GOA). This action is necessary to allow incidental catch of Pacific cod to be retained in other directed fisheries and to account for previous harvest of the total allowable catch (TAC) in the GOA.

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), April 5, 1999, until 2400, A.l.t., December 31, 1999. Comments must be received by April 20, 1999.

**ADDRESSES:** Comments may be sent to Sue Salvesson, Assistant Administrator for Fisheries, Sustainable Fisheries Division, Alaska Region, NMFS, 709 West 9th Street, Room 453, Juneau, AK

99801 or P.O. Box 21668, Juneau, AK 99802-1668, Attn: Lori Gravel.

**FOR FURTHER INFORMATION CONTACT:** Thomas Pearson, 907-481-1780 or tom.pearson@noaa.gov.

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The Final 1999 Harvest Specifications for Groundfish of the GOA (64 FR 12094, March 11, 1999) established the initial TAC of Pacific cod in the Western, Central, and Eastern Regulatory Areas of the GOA as 18,904 metric tons (mt), 34,348 mt, and 1,016 mt in the Western, Central, and Eastern Regulatory Areas respectively. Directed fishing for Pacific cod for processing by the inshore component in the Western Regulatory Area of the GOA was closed on March 8, 1999, and in the Central Regulatory Area on March 14, 1999, under § 679.20(d)(1)(iii), in order to prevent exceeding the allocation for processing by the inshore component in these areas (64 FR 12768, March 15, 1999 and 64 FR 13122, March 17, 1999).

The Final 1999 Harvest Specifications for Groundfish of the GOA (64 FR 12094, March 11, 1999) created reserves of Pacific cod in the GOA as a management buffer to prevent exceeding the TACs and to provide greater

assurance that incidental catch of Pacific cod could be retained throughout the fishing year in other fisheries.

The Administrator, Alaska Region, NMFS, (Regional Administrator), has determined that the initial TAC for Pacific cod in the GOA needs to be supplemented from the Pacific cod reserve for the GOA in order to allow incidental catch of Pacific cod to be retained in other fisheries and to account for prior harvest. Therefore, in accordance with § 679.20(b)(3)(i)(A), NMFS is apportioning 13,567 mt of Pacific cod from the reserve to the TAC in the GOA: 4,726 mt in the Western, 8,587 mt in the Central, and 254 mt in the Eastern Regulatory Areas.

Pursuant to § 679.20(a)(6)(iii), the apportionment of the Pacific cod reserve in the GOA is allocated to vessels catching Pacific cod for processing by the inshore and offshore components as 90 percent and 10 percent of the TAC, respectively. This action increases the total allocation of the 1999 Pacific cod TACs for vessels catching Pacific cod for processing by the inshore component to 21,267 mt, 38,642 mt, and 1,143 mt in the Western, Central, and Eastern Regulatory Areas, respectively, and for the offshore component to 2,363 mt, 4,293 mt and 127 mt in the Western, Central, and Eastern Regulatory Areas, respectively. Maximum retainable bycatch amounts may be found in the regulations at § 679.20(e) and (f).

#### **Classification**

In accordance with § 679.20(b)(3)(iii)(A), NMFS finds that there is good cause for not providing the

public with a prior opportunity to comment. As of March 18, 1999, NMFS estimates the initial TACs of 17,014 mt and 30,913 mt allocated to the inshore component in the Western and the Central Regulatory Areas of the GOA have been reached. This action is necessary to allow retention of amounts of Pacific cod that are caught incidentally while conducting directed fishing for other species in these areas.

This action responds to the initial TAC limitations for Pacific cod established in the Final 1999 Harvest Specifications for Groundfish in the GOA. This action will allow incidental catch of Pacific cod to be retained in other directed fisheries. The alternative is to prohibit retention of Pacific cod which is contrary to the FMP goals of providing the opportunity to more fully utilizing the available TACs and reducing discards. A delay in the effective date is impracticable and contrary to the public interest as it relieves a potential restriction. NMFS finds for good cause that the implementation of this action should not be delayed for 30 days. Accordingly, under U.S.C 553(d), a delay in the effective date is hereby waived.

This action is required by 50 CFR 679.20 and is exempt from review under E.O. 12866.

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

Dated: March 30, 1999.

**Bruce Morehead,**

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

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