

Delaware. This revision implements the Ozone Transport Commission's (OTC) memorandum of understanding (MOU) which describes a regional nitrogen oxides (NO<sub>x</sub>) cap and trade program that will significantly reduce NO<sub>x</sub> emissions generated within the ozone transport region. In the Final Rules section of this **Federal Register**, EPA is approving the State's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this action, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

**DATES:** Comments must be received in writing by April 10, 2000.

**ADDRESSES:** Written comments should be addressed to David L. Arnold, Chief, Ozone & Mobile Sources Branch, Mailcode 3AP21, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; and the Delaware Department of Natural Resources & Environmental Control, 89 Kings Highway, Dover, Delaware 19901.

**FOR FURTHER INFORMATION CONTACT:** Rose Quinto, (215) 814-2182, at the EPA Region III address above, or by e-mail at [quinto.rose@epa.gov](mailto:quinto.rose@epa.gov).

**SUPPLEMENTARY INFORMATION:** For further information, please see the information provided in the direct final action, with the same title, that is located in the "Rules and Regulations" section of this **Federal Register** publication.

Dated: February 24, 2000.

**Bradley M. Campbell,**

*Regional Administrator, Region III.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[I.D. 010300F]

RIN 0648-AM42

#### Fisheries of the Exclusive Economic Zone Off Alaska; License Limitation Program for the Scallop Fishery

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

**ACTION:** Notice of availability of an amendment to a fishery management plan; request for comments.

**SUMMARY:** The North Pacific Fishery Management Council (Council) has submitted Amendment 4 to the Fishery Management Plan for the Scallop Fishery Off Alaska (FMP) for Secretarial review. Amendment 4 to the FMP would create a license limitation program (scallop LLP) in the Federal scallop fishery off Alaska that would limit the number of participants and reduce fishing capacity in this fishery through a limited access system in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). This action is proposed to achieve conservation and management goals for the scallop fishery and is intended to further the objectives of the FMP.

**DATES:** Comments on the amendment must be submitted on or before May 8, 2000.

**ADDRESSES:** Comments on this amendment should be submitted to Sue Salvesson, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802-1668, Attn: Lori Gravel. Comments also may be sent via facsimile (fax) to 907-586-7465. Comments will not be accepted if submitted via e-mail or Internet. Courier or hand delivery of comments may be made to NMFS in the Federal Building, Room 453, Juneau, AK. Copies of Amendment 4 to the FMP, and the Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis (EA/RIR/IRFA) prepared for the amendment are available from the North Pacific Fishery Management Council, 605 West 4th Ave., Suite 306, Anchorage, AK 99501-2252; telephone 907-271-2809.

**FOR FURTHER INFORMATION CONTACT:** Gretchen Harrington, 907-586-7228 or [gretchen.harrington@noaa.gov](mailto:gretchen.harrington@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The Council prepared the FMP under the authority of the Magnuson-Stevens Act. The FMP delegates to the State of Alaska (State) the authority to manage all aspects of the scallop fishery, except limited access. Federal regulations governing the scallop fishery appear at 50 CFR parts 600 and 679. State regulations governing the scallop fishery appear in the Alaska Administrative Code (AAC) at 5 AAC Chapter 38—Miscellaneous Shellfish. The Magnuson-Stevens Act provides authority for the FMP to delegate to the State management responsibility for the scallop fishery in Federal waters off Alaska.

The Council adopted the scallop LLP as Amendment 4 to the FMP in February 1999. If approved, the proposed LLP would replace the existing Federal moratorium on the entry of new vessels into the scallop fishery. This moratorium is scheduled to expire on June 30, 2000. The scallop fishery off Alaska has been characterized as overcapitalized. In February 1998, the Council reviewed participation and other data from the scallop fishery and developed a problem statement and alternatives for analysis of a scallop LLP to replace the existing vessel moratorium.

The Council developed six alternatives and two options for the scallop LLP. The Council prepared an EA/RIR/IRFA for Amendment 4, which describes the management background, the purpose and need for action, the alternatives and options, and the socio-economic impacts of the alternatives and options. A copy of the EA/RIR/IRFA can be obtained from the Council (see **ADDRESSES**).

The Council's preferred alternative was the most restrictive considered by the Council and would result in the issuance of a total of nine licenses. The Council's intent in adopting the most restrictive alternative and options was to create an LLP that would reduce the size of the fishery and eliminate growth in harvest capacity.

Under the preferred alternative, licenses would be issued to holders of either Federal or State moratorium permits who used their moratorium permits to make legal landings of scallops in each of any 2 calendar years during the period beginning January 1, 1996, through October 9, 1998 (qualifying period). A scallop LLP license would authorize the person named on the license to catch and retain scallops consistent with applicable State regulations in all waters off Alaska that are open for scallop fishing. The license holder would not be required to be on

board a vessel when it is catching and retaining scallops; however, an original copy of the scallop LLP license would be required to be onboard the vessel at that time. No license holder would be allowed to hold more than two licenses.

Licenses premised on the legal landings of scallops harvested only from Cook Inlet (State Registration Area H) during the qualifying period would have a gear endorsement that would limit allowable gear to a single 6-ft (1.8 m) dredge when fishing for scallops in any area.

No increase in vessel length would be allowed. Each scallop LLP license would specify the maximum length overall (MLOA) of a vessel that the license holder could use to catch and retain scallops. The specified MLOA would be equal to the length overall of the longest vessel used by the applicant

to make legal scallop landings during the qualifying period. A scallop LLP license could be used on any vessel equal to or less than the MLOA.

The Council also recommended that no person, corporation, or entity could own more than two scallop licenses. This two-license cap would limit excessive shares in the scallop fishery in accordance with the Magnuson-Stevens Act national standard 4. The two-license cap would prevent any person already holding two licenses from receiving additional scallop LLP licenses by transfer.

The Magnuson-Stevens Act requires that each regional fishery management council submit each FMP or FMP amendment it prepares to NMFS for review and approval, disapproval, or partial approval. The Magnuson-Stevens Act also requires that NMFS, upon

receiving an FMP or FMP amendment, immediately publish a notification in the **Federal Register** that the amendment is available for public review and comment. This action constitutes such notice for FMP Amendment 4. NMFS will consider the public comments received during the comment period in determining whether to approve this FMP amendment. To be considered, a comment must be received by close of business on the last day of postmark or transmission date.

Dated: March 3, 2000.

**Bruce C. Morehead,**

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

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