

GENERAL SERVICES ADMINISTRATION

41 CFR Parts 101-42 and 101-43

RIN 3090-AF39

Criteria for Reporting Excess Personal Property

AGENCY: Office of Governmentwide Policy, GSA.

ACTION: Temporary regulation; extension of effective date.

SUMMARY: The General Services Administration (GSA) is extending Federal Property Management Regulations provisions regarding criteria for reporting excess personal property to GSA.

DATES: Effective date: This extension is effective January 8, 1999. The temporary regulation published January 15, 1997 was effective from January 15, 1997 through January 15, 1998. A supplement published on December 31, 1997 extended the period of effectiveness through January 15, 1999. The period of effectiveness is further extended through January 15, 2000.

FOR FURTHER INFORMATION CONTACT: Martha Caswell, Office of Governmentwide Policy, GSA, 202-501-3828.

SUPPLEMENTARY INFORMATION: FPMR Temporary Regulation H-29 was published in the **Federal Register** on January 15, 1997, 62 FR 2022. The expiration date of the temporary regulation was January 15, 1998. A supplement published in the **Federal Register** on December 31, 1997, 62 FR 68216, extended the expiration date through January 15, 1999. This supplement further extends the expiration date through January 15, 2000.

List of Subjects in 41 CFR Parts 101-42 and 101-43

Archives and records, Computer technology, Information technology, Government procurement, Property management, Records management, and Telecommunications.

Therefore the effective date for Temporary Regulation H-29 published at 62 FR 2022, January 15, 1997, and extended until January 15, 1999 at 62 FR 68216, December 31, 1997, is further extended through January 15, 2000.

Dated: December 29, 1998.
Thurman M. Davis, Sr.,
Acting Administrator of General Services.
 [FR Doc. 99-372 Filed 1-7-99; 8:45 am]
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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 981106278-8336-02; I.D. 101598B]

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: Final 1999 initial specifications.

SUMMARY: NMFS issues final initial specifications for the 1999 fishing year for Atlantic mackerel, squid, and butterfish (MSB). Regulations governing these fisheries require NMFS to publish specifications for the upcoming fishing year that will prevent overfishing of these fisheries.

DATES: Effective January 1, 1999 through December 31, 1999.

ADDRESSES: Copies of the Environmental Assessment/Regulatory Impact Review (RIR)/Final Regulatory Flexibility Analysis (FRFA), are available from: Jon C. Rittgers, Acting Regional Administrator, Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930-2298.

FOR FURTHER INFORMATION CONTACT: Paul H. Jones, Fishery Policy Analyst, 978-281-9273.

SUPPLEMENTARY INFORMATION: Regulations implementing the Fishery Management Plan for Atlantic Mackerel, Squid, and Butterfish Fisheries (FMP) prepared by the Mid-Atlantic Fishery Management Council (Council) appear at 50 CFR part 648. These regulations require NMFS to publish specifications for initial annual amounts of the initial optimum yield (IOY), as well as the amounts for allowable biological catch (ABC), domestic annual harvest (DAH), domestic annual processing (DAP), joint venture processing (JVP), and total allowable levels of foreign fishing (TALFF) for the species managed under the FMP. In addition to commercial quotas, the Council, in consultation with its Squid, Mackerel, and Butterfish Technical Monitoring Committee, may recommend revisions to the amount of squid and butterfish that may be retained, possessed, and landed by vessels issued the incidental catch permit, commercial minimum fish sizes, commercial trip limits, commercial seasonal quotas/closures for *Loligo* or *Illex* squid, minimum mesh sizes, commercial gear restrictions, recreational harvest limit, recreational minimum fish size, and recreational possession limits.

Proposed 1999 initial specifications, requesting public comment, were published on November 17, 1998 (63 FR 63819). With the exception of the proposed mechanism for closure of the incidental fishery, the final initial specifications are unchanged from those that were published as proposed. A complete discussion appears in the proposed specifications and are not repeated here.

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	1 N/A	16,000
ABC	21,000	19,000	383,000	7,200
IOY	21,000	19,000	² 75,000	5,900
DAH	21,000	19,000	³ 75,000	5,900
DAP	21,000	19,000	50,000	5,900
JVP	0	0	10,000	0

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

[mt]

Specifications	Squid		Atlantic Mackerel	Butterfish
	Loligo	Illex		
TALFF	0	0	0	0

¹ Not applicable.

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

³ Includes 15,000 mt of Atlantic mackerel recreational allocation.

Joint Ventures

Current MSB regulations allow for in-season adjustments of the annual specifications. These regulations authorize the Administrator, Northeast Region, NMFS (Regional Administrator), in consultation with the Council, to make adjustments during the fishing year by publication in the **Federal Register** stating the reasons for such an action and providing a 30-day public comment period. In conjunction with the proposed 1999 initial annual specifications action, the Regional Administrator sought Council input and public comment on a proposed in-season adjustment of the 1999 Atlantic mackerel JVP up to a total of 15,000 mt (this could result in an increase of as much as 5,000 mt in IOY and DAH), in the event additional JV applications are submitted. NMFS believed that by announcing this in-season adjustment during the proposed rule process, it would facilitate more timely use of the existing regulatory provision, allowing in-season increases to specifications including JVP. NMFS believes this action could provide another opportunity for U.S. vessels to participate in JV fisheries without any negative impacts on the Council's long-term goal to Americanize the fishery.

Three special conditions imposed in previous years continue to be imposed on the 1999 Atlantic mackerel fishery as follows: (1) JVs are allowed south of 37°30' N. latitude, but river herring bycatch may not exceed 0.25 percent of the over-the-side transfers of Atlantic mackerel; (2) the Regional Administrator must ensure that impacts on marine mammals are reduced in the prosecution of the Atlantic mackerel fishery; and (3) the mackerel OY may be increased during the year, but the total should not exceed ABC.

Changes From Proposed Rule

Closure of the Incidental Fishery

Current MSB regulations authorize closure of the directed fishery in the EEZ for *Loligo* squid, *Illex* squid, or butterfish when 95 percent of DAH has

been harvested. The closure would remain in effect for the remainder of the fishing year, with incidental catches allowed. On August 25, 1998, NMFS determined that 95 percent of the DAH for *Illex* squid had been harvested and closed the directed fishery for *Illex* squid (63 FR 45763, August 27, 1998). An incidental catch trip limit of 5,000 lb (2.27 mt) was then instituted for all vessels issued Federal permits for *Illex* squid. Since the closure, the landings of *Illex* squid have exceeded 100 percent of the DAH for *Illex* squid. Therefore, a closure mechanism was included in the proposed rule. However, at the December 1998 Council meeting, members expressed concern about implementing an incidental closure mechanism with the annual specifications. The Council strongly urged NMFS to allow an incidental level of landings throughout the year because these species are commonly caught in the prosecution of other fisheries. It noted specifically that *Illex* is frequently caught incidental to the fall *Loligo* fishery. NMFS has subsequently eliminated the proposed closure from the final rule. NMFS believes that, if necessary, in future years the fishery can be constrained to the allowed harvest level by adjusting the percentage level that triggers the closure of the directed fishery (currently 95 percent).

Comments and Responses

Three comments were received on the proposed specifications from the Council and from two industry participants:

Comment 1: Both industry participants suggested a revision to the components of Atlantic mackerel DAH that would reduce DAH from 75,000 mt to 70,000 mt. In the proposed rule, DAH is composed of 15,000 mt for the recreational fishery, 50,000 mt for DAP, and 10,000 mt for JVP. The commentators proposed instead to specify 70,000 mt DAH consisting of 15,000 mt for the recreational fishery, 30,000 mt for DAP and 25,000 mt for JVP. The commentators noted that processors in past years have not attained the DAP levels estimated by

the Council. They also proposed allocation of 10,000 mt of TALFF to provide a directed fishing incentive to foreign vessels considering joint ventures.

Response: These proposals go beyond any measures discussed by the Council. This suggestion could negatively affect U.S. processing and exports by infringing on markets currently engaged by domestic processors. NMFS believes adjusting JVP by in-season action could provide another opportunity for U.S. vessels to participate in joint ventures without any negative impacts on the Council's long-term goal to Americanize the fishery. Section 802 of the Fisheries Act of 1995 (16 U.S.C. 1821n.) prohibits the Secretary of Commerce from specifying a TALFF unless the Council recommends a TALFF. The Council did not recommend a TALFF.

Comment 2: The Council commented in opposition to the proposal to authorize the Regional Administrator to close the incidental fisheries for the squids and butterfish when the DAH is attained. The Council members noted that the Council intended to allow the incidental fisheries to remain open after closure of the directed fisheries to allow for landings of squid or butterfish caught in other fisheries. The members also noted that closure of the incidental fisheries would pose a compliance problem for vessels that harvested small quantities of species incidental to other operations.

Response: NMFS has eliminated the proposed measure to close the incidental fisheries from this final rule in response to the Council concerns. As noted in the preamble of this rule and discussed by the Council at its December 1998 meeting, these fisheries can be constrained to specified harvest levels by adjusting the percentage level that triggers the closure of the directed fishery (currently 95 percent).

Comment 3: The Council commented in opposition to the provision to expedite the in-season adjustment of the specification for JVP.

Response: In its comment, the Council provided no additional rationale for its

opposition to this measure. NMFS has included the measure in the final specifications package because it sees no compelling reason not to do so. The in-season adjustment could provide another timely opportunity for U.S. vessels to participate in the fishery without any negative impacts on the Council's long-term goal to Americanize the fishery.

Classification

These final specifications are authorized by 50 CFR part 648 and comply with the National Environmental Policy Act.

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

In accordance with the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), the Director, Office of Sustainable Fisheries, NMFS, notified the Chief Counsel for Advocacy of the Small Business Administration when this rule was proposed that it could have a significant economic impact on a substantial number of small entities. Therefore, an initial regulatory flexibility analysis (IRFA) was prepared, as required by 603(a) of the RFA. Even though no comments were received on the IRFA, an FRFA was completed for this final rule because a thorough understanding of the economic impacts of this rule are important. A copy of the complete FRFA can be obtained from the Northeast Regional Office of NMFS (see ADDRESSES).

Summary of FRFA Conclusions

The FRFA assumes that all vessels prosecuting these fisheries would be impacted by these quota specifications. Therefore, the substantial number (greater than 20 percent) criteria would be met. For *Loligo* squid, butterfish, and Atlantic mackerel, gross revenues are not expected to decrease as a consequence of this action. In 1997, *Loligo* squid landings were 16,203 mt. The final IOY specification for *Loligo*

squid in 1999 is 21,000 mt. In 1997, butterfish landings were 2,797 mt. The final IOY specification for butterfish in 1999 is 5,900 mt. In the case of Atlantic mackerel, the 1999 IOY was reduced from 80,000 mt in 1998 to the final level of 75,000 mt in 1999. Both specifications for mackerel exceed recent harvest in the 1997 fishery of 15,406 mt. In addition, the reduction in IOY in 1999 is due to a reduction in the JV specification by 5,000 mt. The only JV activity in recent years was in 1998, when the joint venture operation was not able to harvest the entire venture allocation of 10,000 mt. Therefore, the FRFA concluded that the proposed reduction in the initial JV specification should not affect revenues in the fishery. In addition, the measure to allow an in-season increase in the specification would moderate any unanticipated affects.

The final ABC specification for *Illex* squid in 1999 is 19,000 mt. In past years, a surplus existed between the 1998 ABC specification and what has been landed. However, due to over-harvesting in 1998, 22,585 mt of *Illex* squid have been harvested as of September 1998. This means that the 1999 proposal equates to a decrease of 7.9 million lb (3,585 mt) from 1998, valued at \$1.975 million. The Council's Amendment 5 document indicates that the directed fishery accounts for 99.7 percent of the total landings, meaning that \$1,969,000 of the revenue associated with the quota overage would be attributed to moratorium vessels and only \$6,000 to incidental catch vessels. According to 1998 NMFS permit records, 75 vessels hold *Illex* squid moratorium permits and 64 had *Illex* squid landings in 1998; 1,504 hold incidental catch permits. This would mean that each moratorium vessel could have revenue losses of \$31,000 and each incidental catch vessel would have negligible revenue losses.

This raises the question of the level of impact on the moratorium vessels.

When dividing the 1998 overage value of \$1.975 million by the 64 moratorium vessels, this leads to an ex-vessel price of \$551 per mt. Multiplying that value by the total harvest in 1998 of 22,585 mt of *Illex* leads to revenues of \$12,444,335. When divided by the 64 moratorium vessels this leads to \$195,000. Dividing the revenue losses of \$31,000 of each moratorium vessel by this value equates to a 16-percent loss in average gross revenues. The RFA requires alternatives to be considered to moderate the impact on small entities. As noted, the specifications for all species except *Illex* allow for an increase in landings by affected small entities. However, the *Illex* specification represents a decrease in landings from the 1998 level. Any alternative to moderate this impact would result in overfishing of the *Illex* stock. This may sacrifice long-term returns from the resource for short term economic benefits. Concomitantly, such action conflicts with the requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Therefore, over-harvest cannot be allowed to continue despite the obvious benefits of higher landings.

Because this rule only establishes year-long quotas to be used for the sole purpose of closing the fishery when the quotas are reached and does not establish any requirements for which a regulated entity must come into compliance, the Assistant Administrator for Fisheries, NOAA, under 5 U.S.C. 553(d)(3), finds for good cause that a delay in the effective date of the final initial specifications for the 1999 fishing year for Atlantic mackerel, squid, and butterfish is unnecessary.

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

Dated: January 4, 1999.

Andrew A. Rosenberg,

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

[FR Doc. 99-331 Filed 1-4-99; 5:11 pm]

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