

Dated: August 10, 1999.

**Myron O. Knudson,**

*Acting Regional Administrator, Region VI.*

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## DEPARTMENT OF TRANSPORTATION

### Research and Special Programs Administration

#### 49 CFR Part 171

#### General Information, Regulations, and Definitions

##### *CFR Correction*

In Title 49 of the Code of Federal Regulations, parts 100 to 185, revised as of Oct. 1, 1998, on pages 88, 89, and 91, §§ 171.11 (d)(9)(iii), 171.12 (b)(8)(iii), and 171.12a (b)(5)(iii) are corrected by removing the word "POISON" the first time it appears and adding in its place the words "POISON INHALATION HAZARD".

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 622

[Docket No. 990506120-9220-02; I.D. 032499E]

RIN 0648-AL80

#### Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Catch Specifications

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

**ACTION:** Final rule.

**SUMMARY:** In accordance with the framework procedure for adjusting management measures of the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic (FMP), NMFS implements several management changes. For Atlantic group king mackerel, total allowable catch (TAC) is increased. For Atlantic group Spanish mackerel, TAC is decreased; the allocation of TAC between the commercial and recreational sectors is revised; and an incidental catch allowance for vessels using gillnets with

a mesh size less than 3.5 inches (8.9 cm) is established. For Gulf group king mackerel, a commercial trip limit is established in the western zone, and a 0-fish bag limit is established for captain and crew on for-hire vessels. For both Gulf and Atlantic group king mackerel, the minimum size limit is increased. The intended effects of this rule are to protect king and Spanish mackerel from overfishing and maintain healthy stocks while still allowing catches by commercial and recreational fisheries.

**DATES:** This rule is effective September 20, 1999.

**FOR FURTHER INFORMATION CONTACT:** Steve Branstetter, 727-570-5305.

**SUPPLEMENTARY INFORMATION:** The fisheries for coastal migratory pelagic resources are regulated under the FMP. The FMP was prepared jointly by the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils) and is implemented by regulations at 50 CFR part 622.

In accordance with the framework procedures of the FMP, the Councils recommended, and NMFS published, a proposed rule (64 FR 29622, June 2, 1999) to implement the following measures: (1) For Atlantic group king mackerel, increase the commercial quota and the recreational allocation and revise the commercial trip limits off North Carolina and the Mid-Atlantic states; (2) for Atlantic group Spanish mackerel, decrease the commercial quota and recreational allocation; change the commercial/recreational allocation from 50/50 to 55/45; and establish an incidental catch allowance for vessels using gillnets with a mesh size less than 3.5 inches (8.9 cm); (3) for Gulf group king mackerel, establish a commercial trip limit in the western zone and establish a 0-fish bag limit for captain and crew on for-hire vessels; and (4) for both Gulf and Atlantic group king mackerel, increase the minimum size limit. That proposed rule described the need and rationale for these revisions. Those descriptions are not repeated here.

#### Comments and Responses

NMFS received five comments.

**Comment 1:** After reviewing the 1999 Mackerel Stock Assessment Report (MSAP), the South Atlantic Council requested that NMFS not implement the proposed trip limit decrease from 3,500 to 2,000 lb (1588 to 907 kg) for Atlantic group king mackerel for commercial vessels operating north of the North Carolina/South Carolina border and south of the New York/Connecticut border, nor the proposed trip limit

increase from 50 to 75 fish for Gulf group king mackerel in the Florida east coast subzone. The 1999 MSAP indicated that the TAC for Atlantic group king mackerel could be increased. Thus the trip limit reduction for the king mackerel fishery north of the North Carolina/South Carolina border was unnecessary. The Council anticipates that the fishery should be able to continue year-round without a closure with the existing 3,500 lb (1,588 kg) trip limit, thereby increasing the economic benefits of the fishery. The fishery for Gulf group king mackerel in the Florida east coast subzone closed on March 13, 1999, under a 50-fish trip limit. Thus the Council believed that increasing the bag limit would shorten the season further, and lessen the social and economic benefits to the fishery.

**Response:** NMFS considers the Council's comment as a request to withdraw the proposed reduction in the commercial trip limit for Atlantic group king mackerel north of the North Carolina/South Carolina border and the proposed increase in the commercial trip limit for Gulf group king mackerel in the Florida east coast subzone as was described in the proposed rule. NMFS agrees with the Council's rationale for not implementing the subject proposed trip limit changes and has withdrawn them from the final rule. The Atlantic group king mackerel stock is not overfished, and the 1999 MSAP indicates that an increase in TAC for this stock is appropriate; a reduced trip limit for fisheries on Atlantic group king mackerel is no longer necessary to slow the rate of harvest in regard to the annual commercial quota. Furthermore, given that the fishery for the Gulf group king mackerel in the Florida east coast subzone closed during the 1998/1999 fishing year under a 50-fish trip limit, NMFS agrees that increasing the trip limit to 75 fish would result in an even earlier closure thus reducing the social and economic benefits of the fishery. Not implementing these proposed trip limit changes also should avoid confusion in the fishery by maintaining long-standing trip limits, to which the fishermen are accustomed and should not have any adverse biological consequences regarding the conservation of the affected stocks.

**Comment 2:** The South Atlantic Council requested that NMFS promulgate the catch specifications for Atlantic group king and Spanish mackerel that the Council recommended at its June 1999 meeting rather than the specifications that were previously recommended and that were included in the proposed rule. These