

contained in the petition or accompanying submissions, or significant adverse impacts might occur if the proposed exemption were granted, the Board may, in its discretion:

(i) Direct that additional information be filed; or

(ii) Publish a notice in the **Federal Register** requesting public comments.

(2) If a petition for a new class exemption is filed, the Board will publish a notice in the **Federal Register** requesting public comments before granting the class exemption. This requirement does not pertain to individual notices of exemption filed under existing class exemptions. The Board may deny a request for a class exemption without seeking public comments.

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 622

[Docket No. 990506120-9220-02; I.D. 082399B]

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

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

**ACTION:** Closure.

**SUMMARY:** NMFS closes the commercial fishery for king mackerel in the exclusive economic zone (EEZ) in the western zone of the Gulf of Mexico. This closure is necessary to protect the overfished Gulf king mackerel resource.

**DATES:** The closure is effective 12:01 a.m., local time, August 25, 1999, through June 30, 2000.

**FOR FURTHER INFORMATION CONTACT:** Mark Godcharles, 727-570-5305.

**SUPPLEMENTARY INFORMATION:** The fishery for coastal migratory pelagic fish (king mackerel, Spanish mackerel, cero, cobia, little tunny, dolphin, and, in the Gulf of Mexico only, bluefish) is managed under the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic (FMP). The FMP was prepared by the Gulf of Mexico and South Atlantic Fishery

Management Councils (Councils) and is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act by regulations at 50 CFR part 622.

Based on the Councils' recommended total allowable catch and the allocation ratios in the FMP, NMFS implemented a commercial quota for the Gulf of Mexico migratory group of king mackerel in the western zone of 1.05 million lb (0.48 million kg) (63 FR 8353, February 19, 1998).

Under 50 CFR 622.43(a), NMFS is required to close any segment of the king mackerel commercial fishery when its quota has been reached, or is projected to be reached, by filing a notification at the Office of Federal Register. NMFS has determined that the commercial quota of 1.05 million lb (0.48 million kg) for Gulf group king mackerel in the western zone will be reached on August 24, 1999. Accordingly, the commercial fishery for Gulf group king mackerel in the western zone is closed effective 12:01 a.m., local time, August 25, 1999, through June 30, 2000, the end of the fishing year. The boundary between the eastern and western zones is 87°31'06" W. long., which is a line directly south from the Alabama/Florida boundary.

Until July 1, 2000, no person aboard a vessel, other than a vessel operating as a charter vessel or headboat, for which a commercial permit for king or Spanish mackerel has been issued may fish for or retain king mackerel in or from the western zone in the EEZ. A vessel for which a charter vessel/headboat permit and a commercial king mackerel permit have been issued is operating as a charter vessel or headboat (for-hire vessel) when it carries a paying passenger or when more than three persons are aboard, including captain and crew. A person aboard a vessel operating as a charter vessel or headboat may fish for or retain king mackerel in or from the western zone under the bag and possession limits of 50 CFR 622.39(c)(1)(ii). However, beginning September 20, 1999, the bag limit is zero for captain and crew on for-hire vessels (64 FR 45457, August 20, 1999).

During the closure, king mackerel taken from the western zone in the EEZ, including those harvested under the bag and possession limits, may not be purchased or sold. This prohibition does not apply to trade in king mackerel from the western zone that were harvested, landed ashore, and sold prior to the closure and were held in cold storage by a dealer or processor.

## Classification

This action is taken under 50 CFR 622.43(a) and is exempt from review under E.O. 12866.

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

Dated: August 23, 1999.

**Gary C. Matlock,**

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

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[Docket No. 981014259-8312-02; I.D. 081199A]

#### Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; Adjustments to the 1999 Summer Flounder Commercial Quota

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

**ACTION:** Commercial quota adjustment for 1999.

**SUMMARY:** NMFS issues a listing of final adjustments to the 1999 commercial summer flounder state quotas. This action complies with the regulations that implement the Fishery Management Plan for the Summer Flounder, Scup, and Black Sea Bass Fisheries (FMP) that require landings in excess of a given state's individual commercial quota be deducted from that state's quota for the following year. The intent of this action is to continue the rate of rebuilding of the overfished stock of summer flounder in 1999 as described in the FMP's objectives, while also taking into account 1998 overages of state quotas. **DATES:** Effective August 26, 1999, through December 31, 1999.

**FOR FURTHER INFORMATION CONTACT:** Paul H. Jones, Fisheries Policy Analyst, (978) 281-9273.

**SUPPLEMENTARY INFORMATION:**

#### Background

NMFS published a document in the **Federal Register** on April 15, 1999 (64 FR 18582) announcing preliminary adjustments to the 1999 summer flounder commercial quotas. Further adjustment is necessary in this notification due to late data received from the States of Connecticut, Maryland, Virginia, and North Carolina.