

health care providers pursuant to section 254(h)(1)(A) to have their contributions treated as part of their obligation to participate in the mechanisms to preserve and advance universal service, we reconsider our initial conclusion that only telecommunications carriers designated as "eligible" pursuant to section 254(e) can receive a credit against their universal service contribution obligation for providing services at lower, urban rates to rural health care providers.

B. Summary and Analysis of the Significant Issues Raised by Public Comments in Response to the IRFA

15. No party commented in response to either IRFA on the issues addressed in this Order.

C. Description and Estimates of the Number of Small Entities to Which the Rules Adopted in This Order Will Apply

16. In the FRFA at paragraphs 890 through 925 of the *Universal Service Order*, we described and estimated the number of small entities that would be affected by the new universal service rules. The rules adopted herein may apply to the same entities affected by the universal service rules. We therefore incorporate by reference paragraphs 890 through 925 of the *Universal Service Order*.

D. Summary Analysis of the Projected Reporting, Record Keeping, and Other Compliance Requirements and Significant Alternatives

17. In the FRFA to the *Universal Service Order*, we described the projected reporting, record keeping, and other compliance requirements and significant alternatives associated with the Carrier Eligibility and Health Care Provider sections of the *Universal Service Order*. Because the rules adopted herein may only affect those requirements in a marginal way, we incorporate by reference paragraphs 938 through 942 and 968 through 976 of the *Universal Service Order*, which describe those requirements and provide the following analysis of the new requirements adopted herein.

18. Under the rules adopted herein, we eliminate the requirement that a telecommunications carrier must be an eligible telecommunications carrier under § 54.201(a)(3) of the Commission's rules in order to receive a credit against its universal service contribution obligation for serving eligible health care providers. This revision will benefit health care providers by expanding the category of telecommunications carriers that can benefit from universal service support

mechanisms, and, thus, promote competition among carriers serving eligible health care providers. As a result of this rule change, health care providers are likely to receive multiple bids for the supported services they request through the competitive bid process set forth in § 54.603 of the Commission's rules.

E. Steps Taken to Minimize the Significant Economic Impact on a Substantial Number of Small Entities Consistent with Stated Objectives

19. In the FRFA to the *Universal Service Order*, we described the steps taken to minimize the significant economic impact on a substantial number of small entities consistent with stated objectives associated with the Carrier Eligibility and Health Care Provider Sections of the *Universal Service Order*. Because the rules adopted herein may only affect those requirements in a marginal way, we incorporate by reference paragraphs 938 through 942 and 968 through 976 of the *Universal Service Order*, which describe those requirements and provide the following analysis of the new rules adopted.

20. As described, our decision to modify our rules to permit all telecommunications carriers that service eligible health care providers pursuant to section 254(h)(1)(A) of the Act and §§ 54.601 through 54.625 of the Commission's rules will promote competition among telecommunications carriers serving eligible health care providers and, thus, will offer health care providers, which are likely to be small entities, the services they require for the provision of health care services.

VI. Ordering Clauses

21. The authority contained in sections 1-4, 10, 201-202, 214, 220, and 254 of the Communications Act of 1934, as amended, 47 U.S.C. 151-154, 160, 201-202, 214, 220 and 254, and 47 CFR 1.3 and 1.103, this order is adopted and CFR part 54 is adopted. The requirements adopted in this order shall be effective immediately upon publication in the **Federal Register**. They shall be applied prospectively to all future commitments of support for the benefit of rural health care providers, including all pending applications.

22. It is further ordered that the rule changes are effective immediately upon publication in the **Federal Register**. The rule changes adopted here will be applied prospectively to all future commitments of support for the benefit of rural health care providers, including all pending applications.

List of Subjects in 47 CFR Part 54

Universal service.

Federal Communications Commission.

William F. Caton,

Deputy Secretary.

Rule Changes

Part 54 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 54—UNIVERSAL SERVICE

1. The authority for part 54 continues to read as follows:

Authority: 47 U.S.C. 1, 4(i), 201, 205, 214, and 254 unless otherwise noted.

2. Amend § 54.201(a) by revising paragraph (a)(3) to read as follows:

§ 54.201 Definition of eligible telecommunications carriers, generally.

(a) * * *

(3) This paragraph does not apply to offset or reimbursement support distributed pursuant to subpart G of this part.

* * * * *

3. Revise § 54.621 to read as follows:

§ 54.621 Access to advanced telecommunications and information services.

Each eligible health care provider that cannot obtain toll-free access to an Internet service provider shall be entitled to receive the lesser of the toll charges incurred for 30 hours of access per month to an Internet service provider or \$180 per month in toll charge credits for toll charges imposed for connecting to an Internet service provider.

[FR Doc. 99-29978 Filed 11-12-99; 12:49 pm]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 91-221, 87-8; FCC 99-343]

Review of the Commission's Regulations Governing Television Broadcasting; Television Satellite Stations Review of Policy and Rules

AGENCY: Federal Communications Commission.

ACTION: Interpretation.

SUMMARY: This document determines the procedures to be used to process applications filed pursuant to the local broadcast ownership proceeding. In that proceeding the Commission relaxed

these rules to reflect changes to the media marketplace. The purpose of this action is to resolve issues necessary to commence processing applications filed pursuant to our previously modified rules.

DATES: Effective November 16, 1999.

FOR FURTHER INFORMATION CONTACT: Mary Beth Murphy, (202) 418-2120, Policy and Rules Division, Mass Media Bureau.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Order on Reconsideration ("Order"), FCC 99-343, adopted November 10, 1999, and released November 10, 1999. The full text of the Commission's Order is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room TW-A306), 445 12 St. S.W., Washington, D.C. The complete text of this Order may also be purchased from the Commission's copy contractor, International Transcription Services (202) 857-3800, 1231 20th St., N.W., Washington, D.C. 20036.

Synopsis of Order on Reconsideration

I. Background

1. In this Order, we determine the procedures to be used to process applications filed pursuant to the Report and Order ("*Local Ownership Order*"), 64 FR 50651 (September 17, 1999), adopted in the above-captioned local broadcast ownership proceeding on August 5, 1999. In our *Local Ownership Order*, we relaxed our local broadcast ownership rules, specifically the TV duopoly rule and radio-television cross-ownership rule, to reflect changes in the media marketplace. We stated that "[a]pplications filed pursuant to this R&O will not be accepted by the Commission until the effective date" of the order, which will be sixty days after publication in the **Federal Register**. We also said: "We realize that the rules adopted in this R&O could result in two or more applications being filed on the same day relating to stations in the same market and that due to the voice count all applications might not be able to be granted. We will address how to resolve such conflicts in a subsequent action."

2. On September 9, 1999, we released a *Public Notice*, FCC 99-240, soliciting comment on procedures for processing applications filed pursuant to the *Local Ownership Order*. We stated that one approach to resolving potential conflicts would be to process applications on a first-come, first-served basis. However, we noted that the difficulties inherent in a system that would require the Commission to determine whose application was filed first on a minute-by-minute—or indeed second-by-

second—basis weighs against that approach. Instead, we stated our belief that the most prudent, easy to administer, and fair method for determining the order in which applications filed on the same day will be processed is by random selection. We sought comment on the use of random selection to determine processing order, including our authority to use that procedure in the context of applications for transfer or assignment of existing licenses. We also sought comment on alternative methods, such as auctions or first-come, first-served.

3. After carefully reviewing the comments filed in response to the *Public Notice*, we have decided to use random selection to determine the order in which the Commission will process applications filed on the same day pursuant to our revised local broadcast ownership rules. In addition, we determine herein which applications will be subject to random selection, and clarify how voices will be counted in a market (including LMAs, other attributable interests, and conditional waivers) for purposes of applying our rules. The purpose of this Order is to resolve only those issues necessary to commence processing applications filed pursuant to our modified rules. We have received a number of petitions for reconsideration of our *Local Ownership Order* raising other issues not addressed herein. We will address those issues in a subsequent order.

II. Use of a Lottery

4. *Comments.* A number of commenters expressed concern that processing applications by random selection alone would fail to protect certain pre-existing investments or contractual relationships, including existing Local Marketing Agreements ("LMAs") and other attributable interests.

5. Several commenters also challenged the Commission's authority to use random selection to determine application processing order. Generally, these commenters argue that Section 309(i) of the Communications Act authorizes the Commission to use lotteries only to dispose of initial applications for license, not transfer applications. Moreover, these parties argue that even if 309(i) could be read to apply to transfer applications, Congress revoked any power the FCC had to use a lottery to award commercial broadcast licenses in Section 309(i)(5)(A). Commenters also express the view that random selection is an abdication of the Commission's duty to make a public interest determination under Section 310(d) of the Communications Act.

6. *Discussion.* After careful consideration of the alternatives, we conclude that random selection is the preferable method for determining processing order of applications filed on the same day. This approach gives equal treatment to similarly situated applicants in circumstances where not all applications will be able to be granted as a result of minimum voice counts. In addition, this method is relatively efficient and easy to administer, thereby reducing delays in Commission action. As we stated in the *Public Notice*, we believe random selection is preferable to a "first-come, first-served" approach, given the difficulties in determining which application was filed first. Moreover, a "first-come, first-served" system could initiate a "race" to Mellon Bank to file applications, and result in filers camping out to be first in line at the filing counter. Commenters who addressed this approach agreed that it would be ill-advised. With respect to the concerns raised by parties regarding the treatment of existing LMAs and other interests under a random selection system, we address those concerns below in our discussion of how to calculate the number of voices in a market for purposes of applying the revised ownership rules.

7. We also believe that random selection is preferable to the other approaches suggested by commenters. A "first to contract" system would require the Commission to define the types of contracts that would receive priority (e.g., written or verbal, preliminary or final agreements, etc.), raising issues of fairness and likely triggering legal challenges and lengthy delays. Both the point system proposed by UCC and the MMTC proposal to accord priority to applicants who spin off stations to disadvantaged small businesses would be difficult and time consuming to devise and apply, and would also result in potentially lengthy delays in processing applications and increase the potential for time-consuming legal challenges. Our goal in this order is to devise application processing procedures that permit rapid, fair implementation of the revised ownership rules. While the issues raised by UCC and MMTC, including the impact of consolidation on diversity and localism, are of critical importance, these issues have been considered by the Commission in this proceeding and addressed in the *Local Ownership Order*. Moreover, before approving any application under the random selection procedures adopted herein, the Commission must continue to make the

determination that grant of the application serves the public interest.

8. Finally, we continue to believe that we have authority under Sections 310(d) and 4(i) of the Communications Act to use random selection to determine the order in which the Commission processes transfer and assignment applications. In acting on transfer and assignment applications, the Commission must make a determination under Section 310(d) whether the transfer would serve the public interest, and cannot make that determination if the transfer would violate the ownership rules. In carrying out our responsibilities under Section 310(d), we have the authority to devise reasonable means to establish the processing order of transfer applications to allow us to make a public interest determination where our rules permit the grant of some but not all pending applications. Our random selection procedures to determine processing order, adopted herein, are necessary to permit the execution of our mandate under Section 310(d).

8. We disagree with those commenters who argue that random selection is an abdication of our duty to make a public interest determination under Section 310(d). The fact that Congress has specifically permitted the use of lotteries in certain contexts clearly indicates it did not consider this approach incompatible with the Commission's public interest mandate. Moreover, our use of random selection is to assign processing order only; the Commission still must make a determination under Section 310(d) that grant of the application will serve the public interest.

9. We also disagree with those commenters who argue that Section 309(i)(5) of the Act revokes our authority to use lotteries in this context. Section 309(i)(5) provides that "the Commission shall not issue any license or permit using a system of random selection under this paragraph after July 1, 1997," except with respect to noncommercial stations. By its terms, this provision applies only to use of random selection for the issuance of a license or permit, and is inapplicable to the use of a lottery for determining processing order of assignment and transfer applications. We also believe that the better reading of the 1997 amendment to Section 309(i) is that the amendment did not affect the paragraph's basic scope—situations where there is "more than one application for any initial license or construction permit." In the current situation, the applications would be for transfer or assignment of an existing

license, not for an initial license or permit. The fact that Congress acted in 1997 to limit Section 309(i) lotteries to noncommercial licenses does not restrict the Commission's authority to conduct a lottery pursuant to Sections 310(d) and 4(i).

III. Filing Procedures

10. *Comments.* A number of commenters raised issues regarding which applications would be subject to the tiebreaking procedure selected by the Commission. Other commenters also would either give priority to certain combinations or exclude certain applications from any tiebreaking procedure ultimately adopted by the Commission.

Discussion

11. *Applications Subject to Random Selection.* We will include in a lottery all transfer and assignment applications relating to stations in the same market that are filed on the same day and that must comply with a voice count under §§ 73.3555, paragraphs (b) and (c), of our rules for grant. Such voice count dependent applications will be assigned, by random selection, a processing priority number. These applications will be processed in order of the date filed and, among applications filed on the same day, in order of their assigned processing priority number. We will not include in a lottery, and will not assign a processing number to, applications that are not voice dependent, such as those filed pursuant to the failed, failing, or unbuilt station waivers under the revised TV duopoly rule, those filed pursuant to the failed station waiver under the revised radio/TV cross ownership rule, applications for combinations of a single television station and a single radio station in a market, as well as radio-only combinations not implicating the radio/TV cross ownership rule. Such applications will be processed in due course.

1. For each application filed with the Commission, it will be necessary to determine the relevant market, whether the application is voice dependent, and whether the application implicates the TV duopoly or radio/TV cross ownership rule. Assignment of processing priority numbers will proceed more rapidly if all of this information is stated in the application or transmittal letter. The Commission staff will issue a public notice with further details regarding the lottery, including the method by which numbers will be selected, as well as

further information regarding application processing.

13. *Application Processing.* In processing voice count dependent applications, the Commission will reduce the relevant voice count by: (1) all voice and non-voice count dependent applications pending or granted at the time the voice count dependent application is filed, and (2) all non-voice count dependent applications filed on the same day as the voice count dependent application. Thus, for example, in processing an application for a radio/TV combination filed November 16, 1999, the Commission will consider all radio-only applications filed prior to November 16, 1999 and still pending as of that date, all radio-only applications granted as of that date, as well as any radio-only application, any combination involving a single TV and a single radio station, or any failed, failing, or unbuilt station waiver filed on November 16 that implicates the same market. For purposes of processing the November 16 application, the staff will presume that all pending voice and non-voice count dependent applications and all non-voice count dependent applications filed the same day implicating the same market will be granted. If this presumption precludes grant of the November 16 voice count dependent application, that application will be held until final action on the conflicting application(s) has been taken. If the conflicting application(s) is ultimately denied, the staff will proceed to process the November 16 voice count dependent application. If more than one voice count dependent application was filed on November 16 and was held pending processing of the non-voice count dependent application(s), the Commission will use random selection to determine processing order for such applications.

14. We believe that reducing the voice count by prior grants and applications, and by non-voice count dependent applications (e.g., those filed pursuant to the failed, failing, and unbuilt station waivers, applications for a single radio and single TV station combination, and radio-only applications not implicating the radio/TV cross ownership rule) filed on the same day as a voice count dependent application, best advances our goal in the *Local Ownership Order* of protecting competition and diversity by maintaining voice count floors (e.g., a minimum of 8 TV voices post-grant to obtain a TV duopoly and a minimum of 10 or 20, depending on the size of the combination, radio, TV, newspaper, and cable voices post-grant to obtain a radio/TV combination) in local markets.

While we envisioned in the *Local Ownership Order* that voice counts could drop below the floor as a result, for example, of combinations involving failed, failing, or unbuilt stations, by accounting for the potential impact of these non-voice count dependent applications on the number of voices in the market the voice count floors are more likely to be maintained. We believe that these processing procedures strike an appropriate balance between maintaining a minimum number of voices in the market and establishing certainty with respect to the number of stations available in the market at a given time. Combinations of a single TV and a single radio, which can be obtained in any market and are not voice count dependent, also would reduce the voice count for same-day or subsequently filed voice count dependent applications. We stated in our *Local Ownership Order* that the service benefits and efficiencies achieved from the joint ownership and operation of a single television/single radio combination in local markets further the public interest and outweigh the cost to diversity in these instances; thus, we allowed these combinations in all markets regardless of voice count.

15. *Calculation of Voices.* The FCC's forms require applicants for transfer or assignment of license to certify that, at the time of filing, the application complies with all multiple ownership rules. In order to certify compliance with the voice count components of our revised ownership rules, applicants should determine ownership of relevant media and the existence of any pending applications affecting their market by consulting FCC records and widely recognized, commercially available data sources such as Nielsen Media Research, Arbitron, BIA Companies, Broadcasting & Cable Yearbook, TV Factbook, and Bacon's media directories. Applicants should deviate from the data supplied by these sources only where they have actual knowledge, or could reasonably be charged with knowledge, that the data are in error or are incomplete or outdated in a material respect. Applicants must make a reasonable effort to verify the accuracy of this information and to resolve any conflict in data obtained from different sources.

17. *TV LMAs and Conditional Radio/TV Waivers.* Any LMA attributable under our rules in effect on November 16, 1999, and that was entered into prior to August 5, 1999, the adoption date of the *Local Ownership Order*, will be considered to be attributable to the owner of the brokering station for purposes of the voice count

determination. These two stations will thus be considered as a single voice in the market. The effect of this determination is that stations involved in a TV LMA will have the first chance to convert to a duopoly in the market, ahead of any other voice count dependent application. This result is consistent with our determination in the *Local Ownership Order* not to include in our count of independently owned broadcast stations those that are brokered pursuant to an attributable same-market LMA. We concluded that the brokering station has a significant degree of influence over the brokered station's operations and programming such that the latter should not be counted as an independent source of viewpoint diversity.

18. Although applications to convert a TV LMA to ownership will be considered ahead of any voice count dependent application in the same market filed on the same day, the Commission will consider first, before such applications, the impact on the number of voices of any non-voice count dependent application filed for the same market on the same day. In addition, as with other voice count dependent applications, the Commission will also consider first the impact on the number of voices in the market of any previously filed voice or non-voice count dependent application, and any previous grant. As we stated above, we believe that prior consideration of such applications and grants is consistent with our goal in the *Local Ownership Order* to preserve the voice count floors in local markets in order to preserve competition and diversity.

19. In some cases, parties to an LMA may not be able to make the requisite voice count showing to convert the LMA to ownership if the number of voices in the market is below the voice count minimum under our revised rules. This result is consistent with our determination in the *Local Ownership Order* that stations involved in TV LMAs may apply for a duopoly, but must comply with our revised rules. Where TV LMAs cannot make the requisite voice count showing to convert to ownership, the LMA may be able to convert pursuant to one of the waiver criteria adopted in the *Local Ownership Order*. Where conversion to ownership is not possible, TV LMAs may take advantage of the grandfathering and transitional relief accorded in the order.

20. TV LMAs entered into on or after August 5, 1999, and on or before November 16, 1999, will not be considered to reduce the number of voices in a market. As a number of

commenters pointed out, giving priority in processing to TV LMAs entered into after adoption of our new rules but before their effective date would unfairly prejudice entities required to wait until the effective date of the rules to file assignment and transfer applications. Entities with such interests may file an application to convert to ownership on or after the effective date of the rules. If such applications are filed on the same day as other voice count dependent applications in the same market, the Commission will use random selection to determine the processing order. Interests not converted to ownership will be considered to have been created as of the effective date of the new rules. Where such interests do not comply with our revised rules, entities will be given a year from the effective date of our new rules (November 16, 1999) to divest.

21. Stations commonly owned by a single entity under a conditional waiver of the radio/TV cross ownership rule will also be considered as a single voice in the market. Thus, as with TV LMAs, entities with a conditional waiver will have the first chance to convert to ownership in the market, ahead of any other voice count dependent application. In our *Local Ownership Order*, we directed conditional waiver grantees to file with the Commission within sixty days of publication of the order in the **Federal Register**, that is by November 16, 1999, a showing sufficient to demonstrate their compliance or non-compliance with our revised radio/TV cross ownership rule. We will treat such showings demonstrating compliance as applications to convert the waiver to permanent ownership, and will treat any filings made before November 16, 1999 as filed on November 16, 1999. Conditional waiver grantees will be treated in the same fashion as parties to a TV LMA entered into prior to August 5, 1999. Thus, although applications to convert conditional waivers to ownership will be considered ahead of any voice count dependent application in the same market filed on the same day, the Commission will consider first, before applications seeking to convert conditional waivers to ownership, the impact on the number of voices of any non-voice count dependent application filed for the same market on the same day. In addition, as with other voice count dependent applications, the Commission will also consider first the impact on the number of voices in the market of any previously filed voice or non-voice dependent application, and

any previous grant. Where conditional waivers can be converted to ownership, the Mass Media Bureau will replace the conditional waiver with permanent approval of the relevant assignment or transfer of license. Where a showing based on voice counts does not qualify for ownership, entities with a conditional waiver may also apply for a failed station waiver and may also take advantage of the grandfathering relief accorded in the *Local Ownership Order*.

22. *Settlement*. The Commission will issue a public notice for each market listing all voice count dependent applications filed on the same day that propose station combinations in the market. Applicants will be given a limited period in which to identify for the staff any other application eligible to be included on the list (e.g., any other application filed on the same day as those listed in the notice that proposes a combination implicating the same market). The public notice will also specify a period during which applicants on the list may reach a universal settlement; that is, a settlement that results in grant or dismissal of all applications identified as eligible to participate in the lottery. Any such settlement agreement must comply with all Commission regulations. If no universal settlement is reached during the settlement period, applications for that market will be assigned a processing priority number by random selection. We believe that permitting universal settlements will serve the public interest by permitting processing of an application(s) without random selection, thereby speeding Commission action on the application. We will not accept settlements involving fewer than all eligible applicants for the market. Partial settlements do not facilitate processing as random selection is still required to determine the processing order.

IV. Administrative Matters

23. *Paperwork Reduction Act of 1995 Analysis*. This Order on Reconsideration has been analyzed with respect to the Paperwork Reduction Act of 1995 and found to impose no new reporting requirements on the public.

24. *Supplemental Final Regulatory Flexibility Act Analysis*. Pursuant to the Regulatory Flexibility Act of 1980, as amended, 5 U.S.C. 601 *et seq.*, the Commission's Final Regulatory Flexibility Act Analysis (FRFA) in the August 5, 1999 *Local Ownership Order* was attached as Appendix A to that order. This *Order on Reconsideration* has no significant economic impact on small entities beyond that described in

the discussion of voice tests in the August 5, 1999 FRFA.

25. *Ordering Clauses*. Accordingly, pursuant to the authority contained in Sections 4 (i) & (j), 303(r), 308, 310 and 403 of the Communications Act of 1934, 47 U.S.C. 154 (i) & (j), 303(r), 308, 310 and 403, as amended, this *Order on Reconsideration* is adopted.

26. As the issues resolved herein affect applications that will be filed on November 16, 1999, the effective date of the *Local Ownership Order*, pursuant to 5 U.S.C. 553(d)(3), upon good cause shown, this *Order on Reconsideration* will become effective November 16, 1999.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Federal Communications Commission.

William F. Caton,

Deputy Secretary.

[FR Doc. 99-30019 Filed 11-15-99; 8:45 am]

BILLING CODE 6712-01-p

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 99040113-01; I.D. 092199D]

Fisheries off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Commercial and Recreational Inseason Adjustments and Reopening from Cape Flattery to Leadbetter Point, WA

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

ACTION: Reopening; inseason adjustments; request for comments.

SUMMARY: NMFS announces the following inseason adjustment: the commercial salmon fishery in the area between Cape Alava to Leadbetter Point, WA, for all salmon except chinook reopened on September 5, 1999, with the suspension of certain gear restrictions and the coho trip limit. The fishery closed on September 13, 1999, and will not reopen until further notification. There were 12,400 coho remaining in the quota when the fishery opened. Earlier in the season the 7,000 chinook quota had been reached and the season was closed. But on September 2, 1999, there was a trade of 1,000 chinook, from the north of Cape Falcon recreational salmon fisheries overall chinook quota, for 2,000 coho from the

14,400 coho remaining in the commercial fishery from Cape Alava to Leadbetter Point, WA. The 2,000 coho traded from the commercial fishery were moved to the Cape Alava to Queets River subarea recreational fishery increasing the coho subarea quota to 4,600 fish. The 1,000 chinook were to be used to cover those chinook mortalities related to chinook hooked and released during the 9-day commercial open period targeting coho. These actions were necessary to conform to the 1999 management measures and were intended to ensure conservation of chinook salmon.

DATES: The commercial salmon fishery from the area between Cape Alava to Leadbetter Point, WA, reopened effective 0001 hours local time (l.t.), September 5, 1999, and closed on September 13, 1999. Comments will be accepted through December 1, 1999.

ADDRESSES: Comments may be mailed to William Stelle, Jr., Regional Administrator, Northwest Region, NMFS, NOAA, 7600 Sand Point Way NE., Bldg. 1, Seattle, WA 98115-0070. Information relevant to this document is available for public review during business hours at the Office of the Regional Administrator, Northwest Region, NMFS.

FOR FURTHER INFORMATION CONTACT: William Robinson, 206-526-6140.

SUPPLEMENTARY INFORMATION:

Background

In the 1999 management measures for ocean salmon fisheries (64 FR 24078, May 5, 1999), NMFS announced that the commercial fishery for all salmon from Cape Flattery (48°23'00" N. lat.) to Cape Alava (48°10'00" N. lat.) West of 125°05'00" W. long. and Cape Alava to Leadbetter Point, WA, would open July 10 through the earliest of September 30, 1999, or attainment of the overall chinook quota (preseason 4,500 chinook guideline) or 20,000 coho quota. In a previous inseason adjustment NMFS transferred 2,500 chinook of the remaining 12,884 chinook salmon from the May/June commercial fishery to the July through September fishery from Cape Flattery to Leadbetter Point, WA, making the total guideline for this area for this period 7,000 chinook salmon (64 FR 42856, August 6, 1999).

NMFS also made the additional inseason adjustments. First, NMFS suspended certain gear restrictions (no more than 4 spreads per line; gear restricted to plugs 6 in (15.2 cm) or longer; flashers without hooks may be used if installed below the second spread from the top and will not be counted as a spread; and no more than