

labels or in any other mailing documentation.

* * * * *

2.4 Sortation Level

[Amend 2.4 by inserting new sortation level and abbreviation immediately below SCF pallets (created from package reallocation) to read as follows:]

The actual sortation level (or corresponding abbreviation) is used for the package, tray, sack, or pallet levels required by 2.2 and shown below.

Sortation level	Abbreviation
* * * * *	* * * * *
BMC [pallets created from package reallocation].	PBMC

* * * * *

An appropriate amendment to 39 CFR 11.3 to reflect these changes will be published if the proposal is adopted.

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 00-25 Filed 1-3-00; 8:45 am]

BILLING CODE 7710-12-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 99-2843, MM Docket No. 99-362, RM-9730]

Radio Broadcasting Services; Canton and Morristown, NY

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed jointly by Cartier Communications Inc., licensee of Station WVNC, Channel 244A, Canton, NY, and Waters Communications, Inc., licensee of Station WNCQ-FM, Channel 275A, Morristown, NY, seeking the substitution of Channel 275C3 for Channel 244A at Canton and the substitution of Channel 244C3 for Channel 275A at Morristown, and the modification of their respective licenses to specify operation on the higher powered channels. Comment is requested on whether the proposal should be considered as an incompatible channel swap pursuant to Section 1.420(g)(3) of the Commission's Rules, as requested by Cartier and Waters, since a second Class C3 channel, Channel 244C3, is available for allotment at Canton, with a site restriction of 20.8 kilometers (12.9 miles) west, at coordinates 44-33-26

NL; 75-25-48 WL. This allotment would be short-spaced to Channel 243A at Buckingham, Quebec, and to Station CKOI-FM, Channel 245C1, Verdun, Quebec, Canada. Channel 275C3 can be allotted to Canton in compliance with the Commission's minimum distance separation requirements, with respect to domestic allotments, with a site restriction of 12 kilometers (7.4 miles) north, at coordinates 44-41-51 NL; 75-07-35 WL, to accommodate Cartier's desired transmitter site. Channel 275C3 at Canton will be short-spaced to 276A at Valleyfield, Quebec, Canada. Channel 244C3 can be allotted to Morristown in compliance with the Commission's minimum distance separation requirements, with respect to domestic allotments, with a site restriction of 12 kilometers east, at coordinates 44-36-00 NL; 75-30-00 WL, to accommodate Waters' desired transmitter site. Channel 244C3 at Morristown will be short-spaced to Channel 243A at Buckingham, Quebec, Canada. Since both communities are located within 320 kilometers of the U.S.-Canadian border and the proposed allotments will result in short-spacings to Canadian allotments, concurrence by the Canadian Government in these allotments, as specially negotiated, short-spaced allotments, must be obtained.

DATES: Comments must be filed on or before February 7, 2000, and reply comments on or before February 22, 2000.

ADDRESSES: Federal Communications Commission, 445 12th Street, SW, Room TW-A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: David G. O'Neil, Rini, Coran & Lancellotta, P.C., 1350 Connecticut Avenue, NW, Suite 900, Washington, DC 20036-1701 (Counsel to petitioners).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 99-362, adopted December 8, 1999, and released December 17, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857-3800, 1231 20th Street, NW, Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 00-90 Filed 1-3-00; 8:45 am]

BILLING CODE 6712-01-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 216 and 222

[Docket No. 990901242-9242-01; I.D.072099E]

North Atlantic Whale Protection

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

ACTION: Advance notice of proposed rulemaking.

SUMMARY: NMFS publishes an advance notice of proposed rulemaking (ANPR) in response to a request by the Whale Watch Advisory Group (WWAG) that NMFS solicit comments on the appropriateness of codifying, through rulemaking, operational procedures for vessels engaged in whale watching in NMFS Northeast Region (Virginia to Maine).

The scope of this ANPR encompasses the activity of any vessel (commercial or private) that is engaged in whale watching. NMFS is requesting comments on whether existing whale protection measures are adequate to address the potential threat of injury or mortality by vessels engaged in whale watching (commercial and private) to large whales, (primarily humpback, fin, and minke whales), and, if not, what whale protection measures are needed.

DATES: Comments must be received at the appropriate address or fax number

(see **ADDRESSES**) no later than 5 p.m. eastern standard time, on March 6, 2000.

ADDRESSES: Comments on this Advance Notice of Proposed Rulemaking (ANPR) should be addressed to Chief, Permits Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910, or fax to 301-713-0376.

FOR FURTHER INFORMATION CONTACT: Ann Terbush, Office of Protected Resources, 301-713-2289; or Doug Beach, Northeast Region, 978-281-9254.

SUPPLEMENTARY INFORMATION:

Background

Whale watching is a popular recreational activity in the Stellwagen Bank National Marine Sanctuary (SBNMS) and throughout the Northeast Region. Whale watch vessel operators seek out areas where whales congregate. This has led to large numbers of vessels gathering around groups of whales, which has increased the potential for harassment, injury or even the death of these animals. NMFS has received complaints from the public charging that marine mammals are being harassed and injured by commercial whale watching, fishing, and pleasure craft vessels. In 1998, whale watch vessels struck two whales while returning to their home port. In 1997, there was a report from a private citizen while aboard a whale watch excursion that the vessel had hit a whale. There were no reported ship strikes of whales by vessels engaged in whale watching in 1999; however, there were three reports of harassment in 1999 which are all currently under investigation.

NMFS Northeast Region has attempted to address the impacts of whale watching through a combination of enforcing the Marine Mammal Protection Act (MMPA) and Endangered Species Act (ESA) prohibitions against the taking of listed species, and issuing operational guidelines to give vessel operators guidance on how to approach large whales without causing harassment. In addition, to minimize the detrimental effects of directed vessel interactions with northern right whales, NMFS issued an interim final rule prohibiting the approach of a right whale within 500 yards on February 13, 1997. Although this rule provides certain exemptions, it generally prohibits vessels and aircraft from approaching a right whale within 500 yards, and is believed to provide adequate protection to this species from whale watching vessels.

The Recovery Plan for the Northern Humpback Whale (NMFS, 1991) places

high priority on reducing any detrimental effects of directed vessel interactions with that species, specifically in regard to collisions with ships or boats. The Northeast Implementation Team, established by NMFS to implement the ESA Right Whale and Humpback Whale Recovery Plans, set up the WWAG under its Ship Strike Sub-Committee to look into appropriate measures to address what is believed to be an increasing threat to whales, as evidenced by the whale watch vessel strikes in 1998 and recent reports of harassment. The WWAG is made up of representatives from the whale watch industry, conservation organizations, and state and Federal agencies.

In March, 1999, the WWAG recommended that NMFS revise its 1985 whale watch guidelines to help address the issue, and prepare an ANPR to solicit comments on the appropriateness of codifying, through rulemaking, operational procedures for vessels engaged in whale watching in the Northeast Region. NMFS revised the guidelines as requested by the WWAG on June 1, 1999 (64 FR 29270). The guidelines were revised to provide specific vessel speed recommendations, decrease the number of vessels in close proximity to whales, recommend the use of lookouts when entering or departing known whale aggregation areas, and increase the circular Whale Awareness Zone.

The U.S. Coast Guard (USCG), in performing its maritime law enforcement role under the ESA, has monitored whale watch operations at various times. The USCG established a program utilizing the Coast Guard Auxiliary to monitor whale watching activities in the Stellwagen Bank National Marine Sanctuary (SBNMS) and elsewhere in NER waters during the 1999 season. Observations are conducted from USCG vessels and aircraft, and by placing uniformed, specially trained Auxiliary observers in the wheel houses of whale watch vessels. However, it should be noted that the USCG Auxiliary has no enforcement authority.

USCG Auxiliary observers provide written reports of their observations to NOAA. NMFS and SBNMS intend to review all comments and recommendations received, as well as information received on observed compliance with the revised guidelines, in the course of determining whether to propose a rule.

Request for Comments

NMFS is requesting comments on (1) whether existing whale protection

measures are adequate to address the potential threat of injury or mortality by vessels engaged in whale watching (commercial and private) to large whales, (primarily humpback, fin, and minke whales), and, if not, (2) what whale protection measures are needed. NMFS offers the following as possible options:

Further revisions of the existing whale watch guidelines - The revised guidelines include several measures intended to decrease the likelihood of adverse interactions with whales, such as collisions. The revised guidelines, which cover an area two miles from any observed whale: (1) establish certain speed levels as a vessel approaches or departs from observed whales at two miles (13 knots), one mile (10 knots), and one-half mile (7 knots); (2) provide more specific instructions for multi-vessel approaches within 600 feet and a maximum number of vessels (three) within that area; and (3) recommend the posting of a dedicated lookout when vessels are within two miles of observed whales to keep track of all whales in the vicinity. The guidelines could be further revised to increase or decrease these requirements or establish new ones, such as minimum approach distances or general speed restrictions in specific whale high use areas.

Codify the whale watch guidelines - Codifying the whale watch guidelines as regulations would make them requirements rather than just recommendations, and would provide for enforcement of these provisions and penalties for violations.

Minimum approach rules - Similar to the right whale minimum approach rule, some limit could be established by regulation to accommodate a reasonable level of whale watching opportunity while providing space for individual animals to avoid harassment and possible injury. This could be accomplished independently of any revision or codification of the whale watch guidelines.

Operator Permit or Certification Program - Requiring operators of vessels engaged in whale watching to obtain a permit or certification. Issuance of a permit or certification would be based on the operator demonstrating knowledge of whale behavior and proper whale watch vessel operation. Sanctions, up to and including loss of permit or certification for nonconformance with applicable regulations, would be possible.

Dated: December 28, 1999.

Penelope D. Dalton,

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

[FR Doc. 00-87 Filed 1-3-00; 8:45 am]

BILLING CODE 3510-22-F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 300

[Docket No. 991220343-9343-01; I.D. 120999D]

RIN 0648-AM52

Pacific Halibut Fisheries; Catch Sharing Plan

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

ACTION: Proposed changes to catch sharing plan and the sport fishing regulations; availability of draft environmental assessment and regulatory impact review.

SUMMARY: NMFS proposes, under authority of the Northern Pacific Halibut Act (Halibut Act), to approve and implement changes to the Area 2A Pacific Halibut Catch Sharing Plan (Plan) to accommodate, in the Plan, a court-ordered change in the allocation of Pacific halibut between treaty Indian and non-treaty fisheries and to adjust management of the halibut sport fisheries off Washington and Oregon. NMFS also proposes changes to the sport fisheries regulations to implement the Plan in 2000. Finally, NMFS announces the availability for public comment of a draft environmental assessment and regulatory impact review (EA/RIR) for this action.

DATES: Comments on the proposed changes to the Plan must be received by January 7, 2000; comments on the proposed changes to the sport fishery regulations must be received by February 11, 2000.

ADDRESSES: Send comments or requests for a copy of the Plan and/or the EA/RIR to William Stelle, Jr., Regional Administrator, Northwest Region, NMFS, 7600 Sand Point Way, Seattle, WA 98115. Electronic copies of the Plan, including proposed changes for 2000, and of the draft EA/RIR are also available at the NMFS Northwest Region website: <http://www.nwr.noaa.gov>, under "Halibut Management." Comments also may be sent via facsimile (fax) to 206-526-6736.

Comments will not be accepted if submitted via e-mail or Internet.

FOR FURTHER INFORMATION CONTACT: Yvonne deReynier, 206-526-6140.

SUPPLEMENTARY INFORMATION: The Halibut Act, at 16 U.S.C. 773c, gives the Secretary of Commerce (Secretary) general responsibility for carrying out the Halibut Convention between the United States and Canada and requires the Secretary to adopt such regulations as may be necessary to carry out the purposes and objectives of the Convention and the Halibut Act. Section 773c(c) of the Halibut Act authorizes the regional fishery management councils to develop regulations that are not in conflict with regulations adopted by the International Pacific Halibut Commission (IPHC) to govern the Pacific halibut catch that occurs in each council's region. Each year since 1988 the Pacific Fishery Management Council (Council) has developed a catch sharing plan in accordance with the Halibut Act to allocate the total allowable catch (TAC) of Pacific halibut between treaty Indian and non-treaty harvesters and among non-treaty commercial and sport fisheries in IPHC statistical Area 2A (off Washington, Oregon, and California).

In 1995, upon recommendation of the Council, NMFS implemented the Plan (60 FR 14651, March 20, 1995). In each of the intervening years between 1995 and the present, minor revisions to the Plan have been made to adjust for the changing needs of the fisheries. The Plan allocates 35 percent of the Area 2A TAC to Washington treaty Indian tribes in Subarea 2A-1 and 65 percent to non-Indian fisheries in Area 2A. The allocation to non-Indian fisheries is divided into three shares, with the Washington sport fishery (north of the Columbia River) receiving 36.6 percent, the Oregon/California sport fishery receiving 31.7 percent, and the commercial fishery receiving 31.7 percent. The commercial fishery is further divided into a directed commercial fishery that is allocated 85 percent of the commercial allocation and an incidental catch in the salmon troll fishery that is allocated 15 percent of the commercial allocation. The directed commercial fishery in Area 2A is confined to southern Washington (south of 46°53'18" N. lat.), Oregon, and California. The Plan also divides the sport fisheries into seven geographic subareas, each with separate allocations, seasons, and bag limits.

Council Recommended Changes to the Plan

At its September 1999 public meeting, the Council adopted for public comment

the following changes to the Plan: (1) incorporation into the Plan of a court-ordered change in the Pacific halibut allocation to settle the claims of treaty tribes for an equitable adjustment to current halibut allocation that would compensate for halibut not allocated to the tribes from 1989 through 1993; (2) allowing commercial halibut fishers to also use their vessels for private (not for hire) recreational fishing; (3) a revision of the boundary between the Washington sport fishery in Puget Sound (Inside Waters) and North Coast sub-areas; (4) allowing the opening of the closed "hot spot" in the Washington sport fishery South Coast sub-area through an accelerated inseason process; and (5) combining the sub-quotas for Oregon's inside 30-fathom sport fisheries in the North Central and South Central Coast subareas.

At its November 1999 public meeting, the Council considered the results of State-sponsored workshops on the proposed changes to the Plan and public comments and made final recommendations for four modifications to the Plan as follows:

(1) Revise the Plan to bring it into compliance with an allocation change agreed to by the states, tribes and Federal government that is contained in a July 7, 1999 stipulation, and ordered by the court in *United States v. Washington*, No. 9213 Phase I, Subproceeding No. 92-1 (W.D. Wash.). This stipulation settles the Tribes' claim for an equitable adjustment arising from allocations in the Pacific halibut fishery from 1989 through 1993. In 1993, the court declared that the regulatory scheme for the allocation of halibut between treaty and non-treaty fisheries in 1989 through 1993 had violated treaty rights. The parties to the stipulation (the halibut treaty tribes, the States of Washington and Oregon, and the Federal government) agreed that 25,000 lb (11.3 mt) dressed weight of halibut would be transferred from the non-treaty Area 2A halibut allocation to the treaty Indian allocation in Area 2A-1 each year for 8 years beginning in the year 2000 and ending in the year 2007, for a total transfer of 200,000 lb (90.7 mt). To accelerate the total transfer, more than 25,000 lb (11.3 mt) could be transferred in any year upon prior written agreement of the parties to the stipulation.

(2) Modify the boundary between the Puget Sound and Washington North Coast sport fishery subareas by moving it eastward from the Bonilla-Tatoosh line to the mouth of the Sekiu River. Additionally, modify the quota allocations to the two sport fishery