

(B) Previously approved on July 7, 1982 and now deleted without replacement Rules 401 to 407, 410 to 411, 415 to 416, and 418 to 424.

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(138) * * *

(ii) * * *

(D) Previously approved on November 18, 1983 and now deleted without replacement Rule 521.

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(197) * * *

(i) * * *

(E) El Dorado County Air Pollution Control District.

(I) Rules 501, 523, 524, and 525 adopted on April 26, 1994.

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(225) * * *

(i) * * *

(C) * * *

(3) Rule 520 adopted on June 27, 1995.

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3. Section 52.232 is amended by removing and reserving paragraph (a)(15).

[FR Doc. 00-2177 Filed 2-1-00; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[CI Docket 95-6; FCC 99-407]

Use of Notices of Apparent Liability and Facts Underlying Notices of Apparent Liability in Subsequent Proceedings

AGENCY: Federal Communications Commission.

ACTION: Final rule; denial of petition for reconsideration.

SUMMARY: This document provides further interpretation of section 504(c) of the Communications Act of 1934, as amended. The Federal Communications Commission reiterated that it would continue its policy of not using the mere issuance of or failure to pay a Notice of Apparent Liability to the prejudice of a party. The Commission concluded, however, that using the underlying facts of a prior violation that shows a pattern of non-compliant behavior against a licensee in a subsequent renewal, forfeiture, transfer, or other proceeding does not cause the prejudice that Congress sought to avoid in section 504(c). This document also reverses the Commission's prior statement that no statutory violation can be deemed to be minor for purposes of making

downward adjustments to forfeiture amounts.

FOR FURTHER INFORMATION CONTACT: Jacqueline Ellington, Enforcement Bureau, (202) 418-1160.

SUPPLEMENTARY INFORMATION: This is a synopsis of the *Memorandum Opinion and Order* denying reconsideration of *The Commission's Forfeiture Policy Statement and Amendment Of Section 1.80 of the Rules to Incorporate the Forfeiture Guidelines*, CI Docket 95-6, adopted December 21, 1999 and released December 28, 1999.

The complete text of this *Memorandum Opinion and Order* is available for inspection and copying during normal business hours in the FCC's Public Reference Center Room CY-A257, 445 12th Street, SW, Washington, DC 20554. The complete text may also be purchased from the Commission's duplication contractor, International Transcription Service, Inc., 1231 20th Street, NW, Washington, DC 20036; telephone (202) 857-3800, facsimile (202) 857-3805.

Federal Communications Commission.

Magalie Roman Salas,
Secretary.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 991223348-9348-01; I.D. 012700D]

Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska

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

ACTION: Closure.

SUMMARY: NMFS is prohibiting directed fishing for pollock in Statistical Area 630 outside the Shelikof Strait conservation area in the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the interim 2000 pollock total allowable catch (TAC) for Statistical Area 630 outside the Shelikof Strait conservation area established by the 2000 Interim Specifications and amended by the emergency interim rule implementing Steller sea lion protection measures for the pollock fisheries off Alaska.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), January 27, 2000, until 1200 hrs, A.l.t., March 15, 2000.

FOR FURTHER INFORMATION CONTACT: Andrew Smoker, 907-586-7228

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The interim 2000 pollock TAC in Statistical Area 630 outside the Shelikof Strait conservation area as amended by the emergency interim rule implementing Steller sea lion protection measures for the pollock fisheries off Alaska (65 FR 3892, January 25, 2000) is 4,278 metric tons (mt), determined in accordance with § 679.20(c)(2)(i).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the interim TAC of pollock in Statistical Area 630 outside the Shelikof Strait conservation area will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 3,778 mt, and is setting aside the remaining 500 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance will soon be reached. Consequently, NMFS is prohibiting directed fishing for pollock in Statistical Area 630 outside the Shelikof Strait conservation area in the GOA.

Maximum retainable bycatch amounts may be found in the regulations at § 679.20(e) and (f).

Classification

This action responds to the best available information recently obtained from the fishery. It must be implemented immediately to prevent overharvesting the seasonal allocation of pollock in Statistical Area 630 outside the Shelikof Strait conservation area. Providing prior notice and an opportunity for public comment is impracticable and contrary to the public interest. Further delay would only result in overharvest. NMFS finds for good cause that the implementation of this action should not be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.