

NMFS with the approval of Amendments 39, 41, and 5.

Classification

Pursuant to 5 U.S.C. 553(b)(B), a rule may be issued without prior notice and opportunity for public comment if providing such notice and comment period would be impractical, unnecessary, or contrary to the public interest. Additionally, a rule may be made effective prior to 30 days after its issuance if good cause is found and provided by the agency in the rule, pursuant to 5 U.S.C. 553(d)(3). This final rule implements the original intent of the Council and NMFS concerning severability of LLP licenses. The public was provided with prior notice and an opportunity to comment on these and other proposed regulations implementing the LLP by the proposed rule published at 62 FR 43866 (August 15, 1997). A delay in implementation of this action would unnecessarily encumber persons conducting business under the LLP transfer provisions. For these reasons, the Assistant Administrator, NMFS, finds good cause to make this rule effective immediately upon filing for public inspection with the Office of the Federal Register.

In connection with the proposed rule published at 62 FR 43866 (August 15, 1997), to implement the LLP, the Assistant General Counsel for Legislation and Regulation, Department of Commerce, certified to the Chief Counsel for Advocacy of the Small Business Administration that the regulations implementing the LLP would not have a significant adverse economic impact on a substantial number of small entities. The regulations implemented by this action consist of the transfer provisions in that proposed rule and accordingly are covered by that certification.

This rule has been determined to be not significant for purposes of E.O. 12866.

List of Subjects in 50 CFR Part 679

Alaska, Fisheries, Reporting and recordkeeping requirements.

Dated: May 10, 2000.

Penelope D. Dalton,
Assistant Administrator for Fisheries,
National Marine Fisheries Service.

For reasons set out in the preamble, 50 CFR part 679 is amended to read as follows:

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

1. The authority citation for part 679 continues to read as follows:

Authority: 16 U.S.C. 773 *et seq.*, 1801 *et seq.*, and 3631 *et seq.*

2. In § 679.4, paragraph (k)(7)(viii) is added to read as follows:

§ 679.4 Permits.

* * * * *

(k) * * *

(7) * * *

(viii) *Severability of licenses.* (A) Area endorsements or area/species endorsements specified on a license are not severable from the license and must be transferred together.

(B) A groundfish license and a crab species license issued based on the legal landings of the same vessel and initially issued to the same qualified person are not severable and must be transferred together.

* * * * *

[FR Doc. 00-12276 Filed 5-11-00; 3:16 pm]

BILLING CODE 3510-22-F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 000211039-0039-01; I.D. 050800A]

Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish Fisheries by Vessels Using Hook-and-Line Gear in 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 groundfish by vessels using hook-and-line gear in the Gulf of Alaska (GOA), except for sablefish or demersal shelf rockfish. This action is necessary because the second seasonal halibut bycatch mortality allowance apportioned to hook-and-line gear targeting groundfish other than sablefish or demersal shelf rockfish in the GOA has been caught.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), May 18, 2000, until 1200 hrs, A.l.t., September 1, 2000.

FOR FURTHER INFORMATION CONTACT: Mary Furuness, 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 Final 2000 Harvest Specifications of Groundfish for the GOA (65 FR 8298, February 18, 2000) established the Pacific halibut bycatch mortality allowance for groundfish included in the other hook-and-line fishery, which is defined at § 679.21(d)(4)(iii)(C), for the second season, the period May 18, 2000, through August 31, 2000, as 15 metric tons. The other hook-and-line fishery includes all groundfish, except sablefish or demersal shelf rockfish.

In accordance with § 679.21(d)(7)(ii), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the second seasonal apportionment of the 2000 Pacific halibut bycatch mortality allowance specified for the hook-and-line groundfish fisheries other than sablefish or demersal shelf rockfish in the GOA has been caught. Consequently, NMFS is prohibiting directed fishing for groundfish other than sablefish or demersal shelf rockfish by vessels using hook-and-line gear 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 in order to prevent overharvesting the second seasonal apportionment of the 2000 Pacific halibut bycatch mortality allowance specified for the groundfish fisheries other than sablefish or demersal shelf rockfish by vessels using hook-and-line gear in the GOA. A delay in the effective date is impracticable and contrary to the public interest. The second seasonal bycatch mortality allowance of Pacific halibut apportioned to hook-and-line gear targeting groundfish other than sablefish or demersal shelf rockfish in the GOA has been caught. NMFS finds for good cause that the implementation of this action can not be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

This action is required by § 679.21 and is exempt from review under E.O. 12866.

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

Dated: May 10, 2000.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
[FR Doc. 00-12297 Filed 5-15-00; 8:45 am]

BILLING CODE 3510-22-F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 991221345-0108-02; I.D. 113099B]

RIN 0648-AL30

Fisheries of the Exclusive Economic Zone Off Alaska; Prohibition of Nonpelagic Trawl Gear in the Bering Sea and Aleutian Islands Pollock Fishery

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

ACTION: Final rule.

SUMMARY: NMFS issues regulations to implement Amendment 57 to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP). This action consists of three regulatory changes. First, it prohibits the use of nonpelagic trawl gear in the directed non-community development quota (CDQ) pollock fisheries of the Bering Sea and Aleutian Islands (BSAI). Second, it makes the performance standard for pelagic trawl gear applicable at all times to vessels in the directed non-CDQ pollock fishery in the BSAI. Third, it reduces the crab and Pacific halibut (halibut) bycatch limits established for the BSAI groundfish trawl fisheries. This action is necessary to address bycatch reduction objectives in the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), and is intended to further the goals and objectives of the FMP.

DATES: Effective June 15, 2000.

ADDRESSES: Copies of the Environmental Assessment/Regulatory Impact Review (EA/RIR) and the Final Regulatory Flexibility Analysis (FRFA) prepared for this action may be obtained from the Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802-1668, Attn: Lori Gravel, or by calling the Alaska Region, NMFS, at 907-586-7228.

FOR FURTHER INFORMATION CONTACT:
Nina Mollett, (907) 586-7228.

SUPPLEMENTARY INFORMATION: NMFS manages the domestic groundfish fisheries of the BSAI under the FMP. The North Pacific Fishery Management Council (Council) prepared the FMP, and NMFS approved it, under the Magnuson-Stevens Act. Regulations governing the groundfish fisheries of the BSAI appear at 50 CFR parts 600 and 679.

Background and Need for Action

The objective of Amendment 57 is to reduce bycatch in the BSAI pollock fishery. The amendment and its implementing regulations are designed to comply with the Magnuson-Stevens Act, which emphasizes the importance of reducing bycatch to maintain sustainable fisheries. National standard 9 of the Magnuson-Stevens Act mandates that conservation and management measures minimize bycatch, to the extent practicable, and minimize mortality where bycatch cannot be avoided.

NMFS published the proposed rule to implement Amendment 57 in the **Federal Register** on December 29, 1999 (64 FR 73003). The public comment period ended on February 14, 2000. NMFS approved Amendment 57 on March 8, 2000.

The final action to implement the amendment has three parts.

1. Prohibition on the Use of Nonpelagic Trawl Gear in the BSAI Directed Non-CDQ Pollock Fishery

This rule prohibits nonpelagic trawling for non-CDQ pollock in the BSAI. Since January 1999, the entire BSAI pollock TAC, except for the CDQ fishery, has been allocated to pelagic trawl gear.

The prohibition is expected to reduce bycatch on a permanent basis (for the past 2 years the nonpelagic trawl ban has been in effect through allocation of zero TAC) while imposing a relatively low cost on the fishery. Pollock is the only fishery where both pelagic and nonpelagic trawl gear are used. Pelagic gear has a substantially lower bycatch rate for halibut and crab. Most fishing for pollock in the BSAI was conducted with pelagic gear even before 1999.

2. Performance Standard

The existing performance standard for pelagic trawl gear at § 679.7(a)(14) prohibits a vessel engaged in directed fishing for pollock, when directed fishing for pollock with nonpelagic trawl gear is closed, from having 20 or more crabs of any species, with a carapace width of more than 1.5 inches (38 mm) at the widest dimension, on board at any one time. Crabs were

chosen for the standard because they inhabit the seabed and, if caught with trawl gear, indicate that the trawl has been in contact with the bottom. The standard is revised to make it applicable at all times to vessels engaged in a directed fishery for non-CDQ pollock in the BSAI because all vessels, except those fishing for CDQ pollock, are prohibited from using nonpelagic trawl gear.

3. Prohibited Species Catch (PSC) Limits

The final rule reduces the bycatch limit for halibut and crab caught using trawl gear in the BSAI. The CDQ program will continue to receive 7.5 percent of each PSC limit, in accordance with § 679.21(e)(1), which contains the existing limits for each PSC species in the BSAI. The current halibut PSC allowance is 3,775 metric tons (mt). Crab bycatch limits vary according to abundance and spawning biomass as determined by annual surveys.

This final rule reduces the halibut PSC limit by 100 mt to 3,675 mt. The rule reduces the PSC allowance for red king crabs by 3,000 animals, for *Chionoecetes (C.) bairdi* crabs by 50,000 animals, and for *C. opilio* crabs by 150,000 animals. The rule reduces the *C. bairdi* crabs allowance by 20,000 in Zone 1 and by 30,000 in Zone 2, reflecting the larger fishery there.

The Council recommended these reduced PSC limits after considering data on bycatch rates from vessels using pelagic gear while the performance standard was in effect. Two other options were considered: Option 1 would have reduced only the halibut bycatch limit, and Option 2 would have reduced bycatch by lesser amounts for halibut and the three PSC crab species. The Council chose Option 3 because it more realistically conforms to the amount of bycatch likely to be avoided as a result of the prohibition on nonpelagic trawl gear. The analysis of all options and alternatives is contained in the EA/RIR, the Initial Regulatory Flexibility Analysis, and the FRFA that were prepared for this action.

Pollock CDQ Fisheries

Under this final rule, vessels fishing for CDQ pollock are not subject to the prohibition on the use of nonpelagic trawl gear. The structure of the CDQ program provides a strong incentive to the CDQ groups and their harvesting partners to use fishing gear and fishing techniques that minimize the bycatch of non-target groundfish and prohibited species. Under this final rule, the CDQ program will receive a reduced allocation of PSC, because it will continue to receive a 7.5 percent