

operations in detail; any attempts to obtain a license to operate a harbor services business, including any communications your company has had with any MOT officials regarding the issuance of licenses; and any communications your company has had in Japan with JHTA, other steamship or harbor services companies, and any other waterfront organization, regarding your company's plans to offer harbor transportation services in Japan or efforts to obtain licenses to do so.

5. Describe any new or further restrictions or requirements placed on your company regarding the use or operation of terminals or harbor services.

List of Subjects in 46 CFR Part 551

Maritime Carriers.

For the reasons set out in the preamble, the Commission amends 46 CFR part 551 as follows:

PART 551—ACTIONS TO ADJUST OR MEET CONDITIONS UNFAVORABLE TO SHIPPING IN THE U.S. FOREIGN TRADE

1. The authority citation for part 551 continues to read as follows:

Authority: 46 U.S.C. app. 876(1)(b); 46 U.S.C. app. 876(5) through (12); 46 CFR part 550; Reorganization Plan No. 7 of 1961, 26 FR 7315 (August 12, 1961).

§ 551.2 [Removed]

2. Remove § 551.2.

By the Commission.

Bryant L. VanBrakle,

Secretary.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[I.D. 052499C]

Atlantic Highly Migratory Species (HMS) Fisheries; Large Coastal Shark Species

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

ACTION: Fishing season notification.

SUMMARY: NMFS notifies eligible participants of the length of the second semiannual fishing season for the commercial fishery for large coastal sharks (LCS) in the Western North Atlantic Ocean, including the Gulf of Mexico and the Caribbean Sea. Both the ridgeback and non-ridgeback sectors of the LCS fishery will open July 1, 1999.

The non-ridgeback LCS sector will close July 12, 1999, 11:30 p.m. local time. The ridgeback LCS sector will close August 8, 1999, 11:30 p.m. local time. This action is necessary to ensure that the semiannual quotas for ridgeback LCS of 310 metric tons (mt) dressed weight (dw) and non-ridgeback LCS of 98 mt dw for the period July 1 through December 31, 1999, are not exceeded.

DATES: The fishery opening for ridgeback and non-ridgeback LCS is effective July 1, 1999; the non-ridgeback LCS closure is effective from 11:30 p.m. local time July 12, 1999, through December 31, 1999; and the ridgeback LCS closure is effective from 11:30 p.m. local time August 8, 1999, through December 31, 1999.

FOR FURTHER INFORMATION CONTACT: Margo Schulze or Karyl Brewster-Geisz, 301-713-2347; fax 301-713-1917.

SUPPLEMENTARY INFORMATION: The Atlantic shark fishery is managed under the Fishery Management Plan for Atlantic Tunas, Swordfish, and Sharks (HMS FMP), and its implementing regulations found at 50 CFR part 635 issued under authority of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*).

Section 635.27(b) of the regulations provides for the annual commercial quota of LCS to be harvested from Atlantic, Caribbean, and Gulf of Mexico waters to be apportioned between two equal semiannual fishing seasons. The second semiannual quotas for ridgeback LCS of 310 mt dw and for non-ridgeback LCS of 98 mt dw are available for harvest for the semiannual period beginning July 1, 1999.

The Assistant Administrator for Fisheries, NOAA (AA), is required under § 635.27(b) to determine, based on projected catch rates, available quota, and other relevant factors, the length of each semiannual fishing season for LCS. When shark harvests are projected to reach the available quota established under § 635.27(b), the AA is further required under § 635.28(b) to close the fishery until additional quota is available.

Catch rate data from the second fishing season from 1997 and 1998 for ridgeback and non-ridgeback LCS species (see Table 1(a) of Appendix A to Part 635) indicate that the ridgeback LCS quota of 310 mt dw will be attained within 39 days and the non-ridgeback LCS quota of 98 mt dw will be attained within 13 days of the fishery opening. Accordingly, the AA has determined, based on these projected catch rates and the available quotas, that the quotas for the 1999 second semiannual season for

LCS in or from the Western North Atlantic Ocean, including the Gulf of Mexico and Caribbean Sea, will be attained as of July 12, 1999, for non-ridgeback LCS and, as of August 8, 1999, for ridgeback LCS.

During a closure, retention of, fishing for, possessing or selling LCS are prohibited for persons fishing aboard vessels issued a limited access permit under § 635.4. After July 12, 1999, and August 8, 1999, for non-ridgeback and ridgeback LCS, respectively, the sale, purchase, trade, or barter of carcasses and/or fins of LCS harvested by a person aboard a vessel that has been issued a permit under § 635.4 are prohibited, except for those that were harvested, offloaded, and sold, traded, or bartered prior to the closure and were held in storage by a dealer or processor.

Sharks that are discarded dead and are landed from state waters are counted against the applicable fishery quota, as established under § 635.27(b)(1)(iv)(C).

Commercial fishing for pelagic and small coastal sharks may continue until further notice. When quotas are projected to be reached, the AA will file notice of closure at the Office of the Federal Register. Those vessels that have not been issued a limited access permit under § 635.4 may not sell sharks and are subject to the recreational retention limits and size limits specified at §§ 635.22(c) and 635.20(d). The recreational fishery is not affected by this closure.

NMFS is considering issuing exempted fishing permits (EFPs) for those permitted vessels that will conduct charter or headboat operations after closures, which would exempt such operations from the prohibition on possession of LCS but would restrict such operations to the recreational retention limits and size limits with a no-sale restriction. NMFS is considering issuing EFPs in such instances because the final rule implementing the HMS FMP has delayed issuance of an HMS charter/headboat permit. NMFS intends to implement the HMS charter/headboat permit and reporting requirement following Paperwork Reduction Act clearance. Because previous regulations allowed vessels operating as a charter or headboat to retain sharks under the recreational retention limits during fishery closures and the HMS FMP stipulates that vessels for which limited access permits have been issued may not retain sharks during fishery closures, issuance of EFPs will help NMFS ascertain the magnitude of the number of vessels that operate commercially as well as charter/headboats under recreational limits. This information will help NMFS

estimate the burden associated with the HMS charter/headboat permit and logbook programs.

Classification

This action is taken under 50 CFR part 635 and is exempt from review under E.O. 12866.

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

Dated: June 1, 1999.

Gary C. Matlock,

Director, Office of Sustainable

Fisheries, National Marine Fisheries Service.

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