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Federal Communications Commission.

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

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 000119014-0137-02; I.D. 100400D]

Fisheries of the Northeastern United States; Scup Fishery; Commercial Quota Harvested for Winter II Period

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

ACTION: Commercial quota harvest for Winter II period.

SUMMARY: NMFS announces that the Winter II period scup commercial fishery will close 0001 hours November 3, 2000. Federally permitted commercial vessels may not land scup in any state from Maine through North Carolina for the remainder of the 2000 Winter II quota period (through December 31, 2000). Regulations governing the scup fishery require publication of this notification to advise the coastal states from Maine through North Carolina that the quota has been harvested and to advise Federal vessel permit holders and Federal dealer permit holders that no commercial quota is available for landing for the remainder of the Winter II period.

DATES: Effective 0001 hours, November 3, 2000, through 2400 hours, December 31, 2000.

FOR FURTHER INFORMATION CONTACT: Jennifer L. Anderson, Fishery Management Specialist, (978) 281-9226.

SUPPLEMENTARY INFORMATION: Regulations governing the scup fishery are found at 50 CFR part 648. The regulations require annual specification of a commercial quota that is allocated into three quota periods. The Winter II commercial quota (November through December) is distributed to the coastal states from Maine through North Carolina on a coastwide basis. The

process to set the annual commercial quota and the seasonal allocation is described in § 648.120.

The total commercial quota for scup for the 2000 calendar year was set at 2,534,160 lb (1,149,476 kg) (65 FR 33486; May 24, 2000). The Winter II period quota was initially set at 403,945 lb (183,226 kg). As specified in § 648.120, landings in excess of the commercial quota in the 1999 Winter II period were deducted from the Winter II period allocation this year, resulting in a final Winter II quota allocation of 70,356 lb (31,913 kg) (65 FR 50463).

Section 648.121 requires the Administrator, Northeast Region, NMFS (Regional Administrator) to monitor the commercial scup quota for each quota period and, based upon dealer reports, state data, and other available information, to determine when the commercial quota for a period has been harvested. NMFS is required to publish notification in the **Federal Register** advising that, effective upon a specific date, the scup commercial quota has been harvested, and notifying vessel and dealer permit holders that no commercial quota is available for landing scup for the remainder of the period. The Regional Administrator has determined, based on the limited Winter II quota allocation and historic landings information, that the scup commercial quota for the 2000 Winter II period will be harvested in 48 hours and that no further quota is available through December 31, 2000.

Section 648.4(b) provides that Federal scup moratorium permit holders agree as a condition of the permit not to land scup in any state after NMFS has published a notification in the **Federal Register** stating that the commercial quota for the period has been harvested and that no commercial quota for scup is available. Therefore, effective 0001 hours, November 3, 2000, further landings of scup by vessels holding Federal scup moratorium permits are prohibited through December 31, 2000. Should the Winter II quota not be harvested during the 48-hour opening, the fishery may reopen at a later time to allow attainment of the period's allocation. The Winter I period for commercial scup harvest will open on January 1, 2001. Effective 0001 hours, November 3, 2000, federally permitted dealers are also advised that they may not purchase scup from federally permitted vessels that land in coastal states from Maine through North Carolina for the remainder of the Winter II period (through December 31, 2000).

Classification

This action is required by 50 CFR part 648 and is exempt from review under Executive Order 12866.

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

Dated: October 5, 2000.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[I.D. 100400C]

Fisheries of the Northeastern United States; Atlantic Surf Clam and Ocean Quahog Fishery; Suspension of Minimum Surf Clam Size for 2001

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

ACTION: Suspension of surf clam minimum size limit.

SUMMARY: NMFS suspends the minimum size limit of 4.75 inches (12.07 cm) for Atlantic surf clams for the 2001 fishing year. This action is taken under the authority of the implementing regulations for this fishery, which allow for the annual suspension of the minimum size limit based upon set criteria. The intended effect is to relieve the industry from a regulatory burden that is not necessary, as the majority of surf clams harvested are larger than the minimum size limit.

DATES: Effective January 1, 2001, through December 31, 2001.

FOR FURTHER INFORMATION CONTACT: Jennifer L. Anderson, Fishery Management Specialist, 978-281-9226.

SUPPLEMENTARY INFORMATION: Section 648.72(c) of the regulations implementing the Fishery Management Plan (FMP) for the Atlantic Surf Clam and Ocean Quahog Fisheries allows the Administrator, Northeast Region, NMFS (Regional Administrator) to suspend annually, by publication of a notification in the **Federal Register**, the minimum size limit for Atlantic surf clams. This action may be taken unless discard, catch, and survey data indicate that 30 percent of the Atlantic surf clam resource is smaller than 4.75 inches (12.07 cm) and the overall reduced size is not attributable to harvest from beds

where growth of the individual clams has been reduced because of density-dependent factors.

At its August meeting, the Mid-Atlantic Fishery Management Council (Council) voted to recommend that the Regional Administrator suspend the minimum size limit. Commercial surf clam shell length data for 2000 indicate that only 15.5 percent of the samples were composed of surf clams that were less than 4.75 inches (12.07 cm). Based on these data, the Regional Administrator adopts the Council's recommendation and suspends the minimum size limit for Atlantic surf clams from January 1, 2001, through December 31, 2001.

Classification

This action is authorized by 50 CFR part 648 and is exempt from review under Executive Order 12866.

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

Dated: October 5, 2000.

Bruce C. Morehead,
Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 991210329-0273-02; I.D. 102699B]

RIN 0648-AM63

Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands Area; Amendment 58 To Revise the Chinook Salmon Savings Areas

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

ACTION: Final rule.

SUMMARY: NMFS issues regulations to implement Amendment 58 to the Fishery Management Plan (FMP) for the Groundfish Fishery in the Bering Sea and Aleutian Islands Area (BSAI). Amendment 58 established a framework to allow NMFS to reduce the annual trawl bycatch limit for chinook salmon and revised the Chinook Salmon Savings Area (CHSSA) in the BSAI. Pursuant to this framework authority, NMFS hereby reduces the annual trawl bycatch limit for chinook salmon. This action is necessary to reduce chinook

salmon bycatch and is intended to further the conservation and management objectives of the FMP.

DATES: Effective November 13, 2000.

ADDRESSES: Copies of the Environmental Assessment/Regulatory Impact Review/Final Regulatory Flexibility Analysis (EA/RIR/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. Send any comments on any ambiguity or unnecessary complexity arising from the language used in this final rule to the Regional Administrator, Alaska Region, NMFS, 709 West Ninth Street, Federal Office Building, Suite 453, Juneau, AK 99801.

FOR FURTHER INFORMATION CONTACT: John Lepore, 907-586-7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fisheries in the BSAI under the FMP. The FMP is implemented by regulations appearing at 50 CFR part 679 issued under authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). General regulations governing U.S. fisheries appear at 50 CFR part 600. The North Pacific Fishery Management Council (Council) prepared the FMP under authority of the Magnuson-Stevens Act.

Background

Trawl fisheries in the BSAI, particularly the midwater pollock fishery, incidentally catch chinook salmon. Salmon are a prohibited species in the BSAI groundfish fisheries. They cannot be retained and must be returned to the sea as soon as possible with a minimum of injury after they have been counted by a NMFS-certified observer. However, the mortality rate for salmon caught in trawl fisheries is 100 percent as salmon cannot survive interception by trawl gear. Final regulations published on November 29, 1995 (60 FR 61215), effective January 1996, established annual prohibited species catch (PSC) limits for chinook salmon and specific seasonal no-trawling zones in the CHSSA that are triggered when the limits are reached. These existing regulations prohibit trawling in the CHSSA through April 15 of each year once the bycatch limit of 48,000 chinook salmon, as specified in the FMP, is reached.

In 1999, the Council prepared Amendment 58 to the FMP to further reduce bycatch of chinook salmon by trawl fisheries in the BSAI. NMFS published a notice of availability (NOA) for this amendment in the **Federal**

Register at 64 FR 60157 on November 4, 1999. The public comment period on the NOA ended on January 3, 2000; NMFS approved Amendment 58 on February 2, 2000. NMFS published a proposed rule to implement Amendment 58 on December 21, 1999 (64 FR 71390). The comment period on the proposed rule ended on February 4, 2000. NMFS received two letters commenting on the proposed rule. Both letters expressed strong support for the adoption of the rule with no changes recommended. NMFS concurs and has made no changes to the final rule except that the starting year for the chinook salmon bycatch reductions will be 2001 rather than 2000, as stated in the proposed rule, because the effective date of this final rule will be too late to use 2000 as a starting year. Additional background information supporting Amendment 58 and its implementing rule was published in the **Federal Register** with the NOA and proposed rule.

Elements of Amendment 58

Amendment 58 and this final rule implement the following regulatory changes to trawl chinook salmon PSC limitations: (1) The chinook salmon bycatch limit is reduced from 48,000 to 29,000 chinook salmon over a 4-year period; (2) year-round accounting of chinook salmon bycatch is established for the pollock fishery, beginning on January 1 of each year; (3) the boundaries defining the CHSSA are revised; and (4) new CHSSA closure dates are established.

Chinook Salmon Savings Area

Amendment 58 redefines the CHSSA as two non-contiguous areas of the BSAI composed of eight geographic blocks, each defined by 1/2° latitude by 1° longitude. Based on historical observer data, this new definition better identifies areas of consistently high chinook salmon bycatch rates in the pollock fishery.

Progressive Reduction of the Chinook Salmon Bycatch Limit

This action prohibits directed fishing for pollock by vessels using trawl gear within the CHSSA when NMFS determines that the bycatch limit for chinook salmon in the BSAI pollock trawl fisheries has been attained for each year according to the following schedule:

Year	Chinook Salmon Limit
2001	41,000
2002	37,000
2003	33,000