

of information were approved by OMB under OMB control number 3060-0762. No comments were submitted in response to the Commission's request for comment on the information collections contained in the *Further Notice of Proposed Rulemaking*. In this *Third Report and Order*, we have decided to adopt all of the information collection requirements proposed in the *Further Notice of Proposed Rulemaking*.

VII. Ordering Clauses

29. Accordingly, it is ordered that, pursuant to Sections 1, 2, 4, 201-202, 274, and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154, 201-202, 274, and 303(r), the Order on Reconsideration and Third Report and Order in CC Docket No. 96-152 is adopted.

30. It is further ordered that the Petition for Reconsideration filed by AT&T Corporation is granted to the extent described herein and is denied in all other respects and the Petition for Reconsideration filed by Pacific Telesis Group is granted to the extent described herein.

31. It is further ordered that the policies, rules, and requirements set forth in this Order on Reconsideration and Third Report and Order are effective thirty days after publication in the **Federal Register**.

32. It is further ordered that the Commission's Office of Public Affairs, Reference Operations Division, shall send a copy of this Order on Reconsideration and Third Report and Order, including the Supplemental Final Regulatory Flexibility Certification, to the Chief Counsel for Advocacy of the Small Business Administration.

Federal Communications Commission

Magalie Roman Salas,

Secretary.

[FR Doc. 99-25026 Filed 9-28-99; 8:45 am]

BILLING CODE 6712-01-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 300

[Docket No. 990416100-9256-02; I.D. 031999C]

RIN 0648-AL18

Pacific Halibut Fisheries; Local Area Management Plan for the Halibut Fishery in Sitka Sound

AGENCY: National Marine Fisheries Service (NMFS); National Oceanic and

Atmospheric Administration (NOAA); Commerce.

ACTION: Final rule; response to comments.

SUMMARY: NMFS issues a final rule to implement a Local Area Management Plan (LAMP) for the halibut fishery in Sitka Sound in the Gulf of Alaska. This rule prohibits a person using a vessel greater than 35 ft (10.7 meters(m)) in overall length from fishing for halibut with setline gear within Sitka Sound. The rule also prohibits a person using a vessel less than or equal to 35 ft (10.7 m) in overall length from fishing for halibut with setline gear within Sitka Sound from June 1 through August 31. Finally, the rule prohibits all charter vessels from fishing for halibut within Sitka Sound from June 1 through August 31 and from retaining halibut caught within Sitka Sound while engaging in sport fishing for other species from June 1 through August 31. This action is necessary to address the decreased availability of halibut in Sitka Sound and is intended to promote the goals and objectives of the North Pacific Fishery Management Council (Council) with respect to management of halibut in and off Alaska.

DATES: Effective October 29, 1999.

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

FOR FURTHER INFORMATION CONTACT: Gretchen Harrington, 907-586-7228.

SUPPLEMENTARY INFORMATION: The Convention between the United States and Canada for the Preservation of the Halibut Fishery of the North Pacific Ocean and the Bering Sea (Convention), signed at Ottawa, Ontario, Canada, on March 2, 1953, and amended by a Protocol Amending the Convention, signed at Washington, D.C., United States of America, on March 29, 1979, authorizes the International Pacific Halibut Commission (Commission) to promulgate regulations for the conservation and management of the Pacific halibut fishery. The Northern Pacific Halibut Act (Halibut Act) implements the Convention (16 U.S.C. 773-773k).

The Halibut Act, in section 5, gives the Secretary of Commerce (Secretary) the general responsibility to carry out the Convention 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. The Secretary has delegated this authority to the Assistant Administrator for Fisheries, NOAA. Section 5 of the Halibut Act also provides that the regional fishery management council having authority for the geographical area concerned may recommend management measures governing Pacific halibut catch in U.S. Convention waters that are in addition to, but not in conflict with, regulations of the Commission.

The Sitka Sound Halibut Task Force (Task Force) determined that too many harvesters were targeting halibut in Sitka Sound. The Commission has no data that support or refute localized depletion. However, information on halibut commercial landings from the Commission and Alaska Department of Fish & Game creel survey data indicate a decline in non-charter and subsistence halibut harvests for 1992-1996. Local or anecdotal information indicates the opportunity for an individual fisherman to catch a halibut has greatly decreased due to increased competition. This increased competition among users is partially due to an increase in the number of guided charter vessels and the Individual Fishing Quota (IFQ) fishery that allows commercial fishing vessels to operate throughout the summer.

The Task Force then proposed an LAMP for Sitka Sound and submitted it to the Council. The Council approved the Task Force's proposal as the preferred alternative in February 1998, and on April 28, 1999, NMFS published a proposed rule to implement the LAMP (64 FR 22826). The proposed rule provides a detailed description of the regulatory amendments and the reasons for their implementation. This final rule makes no changes to the proposed rule.

Response to Comments

NMFS received five letters commenting on the proposed rule during the 30-day comment period ending May 28, 1999. Three letters supported approving the rule as proposed, and two letters supported approving the proposed rule with changes.

Comment 1. Three comments supported approving the rule as proposed.

Response. NMFS agrees.

Comment 2. NMFS should approve proposed rule, with the following change: Remove the provision that allows charter vessels to retain halibut caught outside the Sound while fishing

for other species within the closed area because it creates a loophole that would allow charter vessels to continue catching halibut in the Sound.

Response. NMFS was also concerned that this provision may be difficult to enforce. However, in light of reassurances from the U.S. Coast Guard and public comment, the final rule implements the LAMP as created by the task force and adopted by the Council.

Comment 3. NMFS should approve the proposed rule, including the provision to allow charter vessels to retain halibut harvested outside the Sound, with the following addition: Reinstate the annual review of the LAMP specified in the original task force plan. All participants agreed by consensus that an annual review is necessary to fine tune the plan.

Response. Nothing in the proposed rule precludes annual review of the LAMP by the Task Force or members of the public. The Council did not include an annual review in the preferred alternative because the Alaska Board of Fisheries, which will first review all proposed changes to the LAMP before recommendations are made to the Council, reviews proposals on a 3-year cycle.

Small Entity Compliance Guide

A quick reference card will be produced as a small entity compliance guide to satisfy the Small Business Regulatory Enforcement Fairness Act of 1996, which requires a plain language guide to assist small entities in complying with this rule. Contact NMFS to request a copy of the quick reference card (see **ADDRESSES**).

Classification

The Administrator, Alaska Region, NMFS, (Regional Administrator) determined that this final rule is necessary for the management of the halibut fisheries in Sitka Sound. The Regional Administrator also determined that this final rule is consistent with the Magnuson-Stevens Fishery Conservation and Management Act, the Halibut Act, and other applicable laws.

The final rule has been determined to be not significant for purposes of E.O. 12866. This action does not contain a collection-of-information requirement for purposes of the Paperwork Reduction Act.

The Council prepared a final regulatory flexibility analysis (FRFA). NMFS received no letters of public comment in response to the initial regulatory flexibility analysis. A summary of the FRFA follows.

This action is being implemented because local residents of Sitka Sound

are concerned about the decreased availability of halibut. The objective is to allocate halibut fishing opportunities in Sitka Sound among fishermen fishing with commercial vessels, anglers fishing from charter vessels, subsistence/personal use fisheries, and sport fishermen. Section 5 of the Halibut Act authorizes the Council to recommend management measures governing Pacific halibut catch in Sitka Sound.

In 1996, 74 commercial longline vessels, with allocations of halibut in Area 2C, and 192 registered charter vessels fished in in Sitka Sound.

This rule does not contain new reporting or recordkeeping requirements and there are no relevant Federal rules which may duplicate, overlap, or conflict with this rule.

The alternative of not having a LAMP for Sitka Sound would not have a negative impact on the halibut resource but would increase competition for the resource in Sitka Sound. Creation of an alternative LAMP for Sitka Sound, which would (1) prohibit halibut commercial vessels greater than 35 ft (10.7 m) from harvesting halibut in Sitka Sound, (2) prohibit halibut commercial vessels less than or equal to 35 ft (10.7 m) from harvesting halibut in Sitka Sound during July, July, and August with a 1,000 lb (0.45 mt) trip limit during the remainder of the IFQ fishing season, and (3) during July, June, and August only allow for a subsistence/personal use fishery, and a non-guided sport fishery in Sitka Sound, would protect the interests of non-guided anglers but restrict the retention of halibut caught outside Sitka Sound by charter vessels while fishing inside the Sound.

None of the alternatives discussed in the EA/RIR/FRFA are likely to significantly affect the quality of the human environment, or are expected to have significant impacts on endangered or threatened species, or marine mammals.

List of Subjects in 50 CFR Part 300

Fisheries, Fishing, Reporting and recordkeeping requirements, Treaties.

Dated: September 23, 1999

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

For reasons set out in the preamble, 50 CFR part 300 is amended to read as follows:

PART 300—INTERNATIONAL FISHERIES REGULATIONS

1. The authority citation for 50 CFR part 300, subpart E continues to read as follows:

Authority: 16 U.S.C. 773–773k

2. In § 300.61, the definitions for “Charter vessel”, “Fishing”, “Individual Fishing Quota”, “IFQ fishing trip”, “IFQ halibut”, “Overall length”, “Setline gear”, and “Sport fishing” are added in alphabetical order to read as follows:

§ 300.61 Definitions.

* * * * *

Charter vessel means a vessel used for hire in sport fishing for halibut, but not including a vessel without a hired operator.

* * * * *

Fishing means the taking, harvesting, or catching of fish, or any activity that can reasonably be expected to result in the taking, harvesting, or catching of fish, including specifically the deployment of any amount or component part of setline gear anywhere in the maritime area.

Individual Fishing Quota (IFQ), for purposes of this subpart, means the annual catch limit of halibut that may be harvested by a person who is lawfully allocated a harvest privilege for a specific portion of the TAC of halibut.

IFQ fishing trip, for purposes of the subpart, means the period beginning when a vessel operator commences harvesting IFQ halibut and ending when the vessel operator lands any species.

IFQ halibut means any halibut that is harvested with fixed gear in any IFQ regulatory area.

Overall length of a vessel means the horizontal distance, rounded to the nearest ft/meter, between the foremost part of the stem and the aftermost part of the stern (excluding bowsprits, rudders, outboard motor brackets, and similar fittings or attachments).

* * * * *

Setline gear means one or more stationary, buoyed, and anchored lines with hooks attached.

Sport fishing means all fishing other than commercial fishing and treaty Indian ceremonial and subsistence fishing.

* * * * *

3. In § 300.63, the heading and introductory text of § 300.63 are revised, and paragraph (d) is added to read as follows:

§ 300.63 Catch sharing plans, local area management plans, and domestic management measures.

Catch sharing plans (CSP) and local area management plans (LAMP) may be developed by the appropriate regional fishery management council, and approved by NMFS, for portions of the fishery. Any approved CSP or LAMP may be obtained from the

Administrator, Northwest Region, or the Administrator, Alaska Region.

* * * * *

(d) The LAMP for Sitka Sound provides guidelines for participation in the halibut fishery in Sitka Sound.

(1) For purposes of § 300.63(d), Sitka Sound means (See Figure 1) to subpart E of the part:

(i) With respect to § 300.63(d)(2), that part of the Commission regulatory area 2C that is enclosed on the north and east by a line from Kruzof Island at 57°20'30" N. lat., 135°45'10" W. long. to Chichagof Island at 57°22'03" N. lat., 135°43'00" W. long., and a line from Chichagof Island at 57°22'35" N. lat., 135°41'18" W. long. to Baranof Island at 57°22'17" N. lat., 135°40'57" W. long.; and is enclosed on the south and west by a line from Cape Edgecumbe at 57°59'54" N. lat., 135°51'27" W. long. to Vasilief Rock at 56°48'56" N. lat., 135°32'30" W. long. to the green day marker in Dorothy Narrows at 56°49'17" N. lat., 135°22'45" W. long. to Baranof Island at 56°49'17" N. lat., 135°22'36" W. long.

(ii) With respect to § 300.63(d)(3) and (4), that part of the Commission regulatory area 2C that is enclosed on the north and east by a line from Kruzof

Island at 57°20'30" N. lat., 135°45'10" W. long. to Chichagof Island at 57°22'03" N. lat., 135°43'00" W. long., and a line from Chichagof Island at 57°22'35" N. lat., 135°41'18" W. long. to Baranof Island at 57°22'17" N. lat., 135°40'57" W. lat.; and is enclosed on the south and west by a line running from Sitka Point at 56°59'23" N. lat., 135°49'34" W. long., to Hanus Point at 56°51'55" N. lat., 135°30'30" W. long., to the green day marker in Dorothy Narrows at 56°49'17" N. lat., 135°22'45" W. long. to Baranof Island at 56°49'17" N. lat., 135°22'36" W. long.

(2) A person using a vessel greater than 35 ft (10.7 m) in overall length, as defined in § 300.61, is prohibited from fishing for IFQ halibut with setline gear, as defined in § 300.61, within Sitka Sound as defined in paragraph (d)(1)(i) of this section.

(3) A person using a vessel less than or equal to 35 ft (10.7 m) in overall length, as defined in § 300.61:

(i) Is prohibited from fishing for IFQ halibut with setline gear within Sitka Sound, as defined in paragraph (d)(1)(ii) of this section, from June 1 through August 31; and

(ii) Is prohibited, during the remainder of the designated IFQ season,

from retaining more than 2,000 lbs. (0.91 mt) of IFQ halibut within Sitka Sound, as defined in paragraph (d)(1)(ii) of this section, per IFQ fishing trip, as defined in 50 CFR 300.61.

(4) No charter vessel, as defined in § 300.61, shall engage in sport fishing, as defined in § 300.61, for halibut within Sitka Sound, as defined in paragraph (d)(1)(ii) of this section, from June 1 through August 31.

(i) No charter vessel shall retain halibut caught while engaged in sport fishing, as defined in § 300.61, for other species, within Sitka Sound, as defined in paragraph (d)(1)(ii) of this section, from June 1 through August 31.

(ii) Notwithstanding paragraphs (d)(4) and (4)(i) of this section, halibut harvested outside Sitka Sound, as defined in (d)(1)(ii) of this section, may be retained onboard a charter vessel engaged in sport fishing, as defined in 50 CFR 300.61, for other species within Sitka Sound, as defined in paragraph (d)(1)(ii) of this section, from June 1 through August 31.

4. In subpart E of part 300, Figure 1 is added following § 300.65.

BILLING CODE 3510-22-F

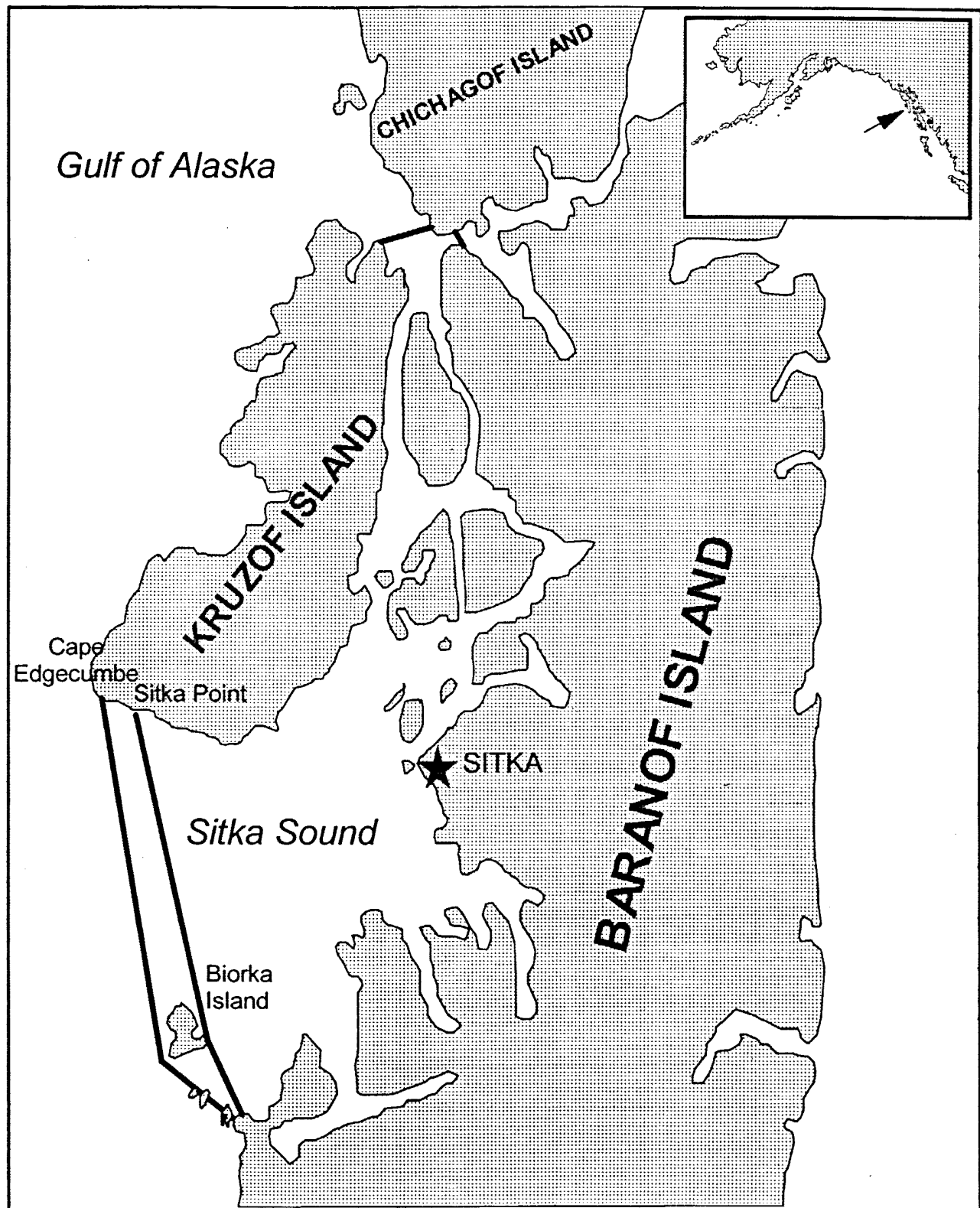


Figure 1. Sitka Local Area Management Plan
a. Map

Figure 1. Sitka Sound Local Area Management Plan Boundaries
b. Coordinates

Northern Boundary:

A line from Kruzof Island at 57°20'30" N. lat., 135°45'10" W. long. to Chichagof Island at 57°22'03" N. lat., 135°43'00" W. long., and a line from Chichagof Island at 57°22'35" N. lat., 135°41'18" W. long. to Baranof Island at 57°22'17" N. lat., 135°40'57" W. long.

Southern Boundaries:

- (1) A line from the southernmost tip of Cape Edgecumbe at 57°59'54" N. lat., 135°51'27" W. long. to Vasilief Rock at 56°48'56" N. lat., 135°32'30" W. long. to the green day marker in Dorothy Narrows at 56°49'17" N. lat., 135°22'45" W. long. to Baranof Island at 56°49'17" N. lat., 135°22'36" W. long.
- (2) A line from the southernmost tip of Sitka Point at 56°59'23" N. lat., 135°49'34" W. long., to Hanus Point at 56°51'55" N. lat., 135°30'30" W. long., to the green day marker in Dorothy Narrows at 56°49'17" N. lat., 135°22'45" W. long. to Baranof Island at 56°49'17" N. lat., 135°22'36" W. long.

[FR Doc. 99-25240 Filed 9-28-99; 8:45 am]
BILLING CODE 3510-22-C

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 679**

[Docket No. 990304063-9063-01; I.D. 092299A]

Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod

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

ACTION: Reallocation.

SUMMARY: NMFS is reallocating the Bering Sea and Aleutian Islands management area (BSAI) Pacific cod that is projected to be unused by trawl catcher/processors and vessels using jig gear to vessels using hook-and-line or pot gear. This action is necessary to allow the 1999 total allowable catch (TAC) of Pacific cod to be harvested.

DATES: Effective September 23, 1999.

FOR FURTHER INFORMATION CONTACT: Mary Furuness, 907-586-7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI exclusive economic zone according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (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.

In accordance with § 679.20(c)(5), the Final 1999 Harvest Specifications for Groundfish for the BSAI (64 FR 12103, March 11, 1999) established the Pacific cod TAC, after the release of the reserves, for the BSAI as 163,725 metric tons (mt). Of this amount, 3,275 mt was allocated to vessels using jig gear, 38,475 mt to trawl catcher vessels, 38,475 mt to trawl catcher/processors, and 83,500 mt to vessels using hook-and-line or pot gear.

As of September 11, 1999, the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that approximately 10,979

mt of Pacific cod remain in the catcher/processor allocation. Based on projected harvest rates of Pacific cod, and recognizing that directed fishing for Pacific cod by trawl catcher/processors will be constrained by Pacific halibut bycatch restrictions, the Regional Administrator has determined that trawl catcher/processors will not be able to harvest 5,000 mt of Pacific cod allocated to this sector under § 679.20(a)(7)(i)(B). Therefore, in accordance with § 679.20(a)(7)(ii)(B), NMFS is apportioning the projected unused amount, 5,000 mt, of Pacific cod from trawl catcher/processors to vessels using hook-and-line or pot gear.

The Regional Administrator, also has determined that vessels using jig gear will not harvest 2,800 mt of Pacific cod by the end of the year. Therefore, in accordance with § 679.20(a)(7)(iii) NMFS is reallocating the unused amount of 2,800 mt of Pacific cod allocated to vessels using jig gear to vessels using hook-and-line or pot gear.

Classification

This action responds to the best available information recently obtained from the fishery. It must be implemented immediately in order to