

13. Table II of Part 575 would be revised, appearing as follows:

TABLE 2¹

Maximum Inflation Pressure	Multiplier to be used for treadwear testing	Multiplier to be used for traction testing
32 lbs/in ²851	.851
36 lbs/in ²870	.797
40 lbs/in ²883	.753
240 kPa.....	.866	.866
280 kPa.....	.887	.804
300 kPa.....	.866	.866
290 kPa (1).....	8.86	.866
330 kPa (1).....	.887	.804
350 kPa (1).....	.866	.866
390 kPa (1).....	.887	.804

(1) For CT tires only.

¹ Prior to July 1, 1984, the multipliers in the above table are not to be used in determining loads for the tire size designations listed below in Table 2A. For those designations, the load specifications in that table shall be used in UTQG testing during that period. These loads are the actual loads at which testing shall be conducted and should not be multiplied by the 85 percent factors specified for treadwear and traction testing.

Issued on: February 7, 1990.

Barry Felrice,

Associate Administrator for Rulemaking,

[FR Doc. 90-3229 Filed 2-13-90; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 642

[Docket No. 90493-0038]

RIN 0648-AC15

Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Proposed rule.

SUMMARY: NOAA issues this proposed rule to implement previously disapproved portions of Amendment 3 to the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic (FMP). This proposed rule would (1) prohibit the use in the exclusive economic zone (EEZ) of drift gillnets for Atlantic migratory group king mackerel and for all other coastal migratory pelagic fish from the Virginia/North Carolina border to the U.S./Mexico border (a prohibition on the use in the EEZ of drift gillnets is already in effect for Gulf and Atlantic migratory groups of Spanish mackerel and Gulf migratory group king mackerel); and (2) authorize the Secretary to prohibit the use of purse

seines and run-around gillnets for Atlantic migratory group king mackerel when, in the opinion of the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils), that group is determined to be overfished and, the commercial allocation can be harvested by authorized gear other than purse seines and run-around gillnets. The intended effects of this proposed rule are to prevent waste; prevent the problems associated with excessive amounts of passively fished gear for long soak periods; prevent problems with lost gear and gear that contacts irregular low reef-type bottoms; prevent localized overfishing; and prevent the adverse impacts associated with early closures of the commercial fisheries on the users of traditional hook and line gear, such closures being the likely result of allowing the use of purse seines, run-around gillnets, and drift gillnets in the commercial fisheries.

DATES: Written comments must be received on or before March 1, 1990.

ADDRESSES: Comments may be sent to, and copies of Amendment 3, which includes the draft Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis may be obtained from, Mark F. Godcharles, Southeast Region, NMFS, 9450 Koger Boulevard, St. Petersburg, FL 33702.

FOR FURTHER INFORMATION CONTACT: Mark F. Godcharles, 813-893-3722.

SUPPLEMENTARY INFORMATION: The fishery for coastal migratory pelagic fish (king mackerel, Spanish mackerel, cerna, cobia, little tunny, dolphin, and, in the Gulf of Mexico only, bluefish) is managed under the FMP, prepared by the Gulf of Mexico and South Atlantic Councils, and its implementing regulations at 50 CFR Part 642, under the authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act), 16 U.S.C. 1801 *et seq.*

The Councils find that drift gillnets (1) are an indiscriminate harvester of fish, producing (a) a substantial wasted bycatch of unregulated species, e.g., sharks, bonito, and jacks, and (b) a waste of regulated species, e.g., undersized cobia and sailfish; (2) are deployed in excessive lengths and passively fished for long soak periods accentuating all ascribed problems; (3) foster ghost net fishing when lost; (4) inflict likely habitat damage when encountering reef type sea bottoms; (5) produce an inferior quality fish product compared to the hook-and-line product; and (6) promote localized overfishing and thereby intensify regional conflicts with traditional hook-and-line fishermen, both recreational and

commercial, when intensively deployed in the area south of Cape Canaveral, FL. Excessive fishing mortality in one area depletes the local stock without necessarily leading to recruitment overfishing. To promote stock stability and fair and equitable allocation of the resource, the Councils, by resubmitting Amendment 3, propose the prohibition of drift gillnets for all coastal migratory fisheries, thus spreading fishing mortality throughout the management area and fishing year.

In addition, the Councils are concerned about the status of the Atlantic migratory group king mackerel resource which they consider to be fully utilized. Based on the high fishing mortality indicated in the 1988 mackerel stock assessment, the Councils concluded that the resource was overfished. The 1989 assessment concluded that the resource was not overfished, but that fishing mortality should be constrained to preserve new recruitment classes and their subsequent contribution to the spawning stock biomass. Because of the negative socioeconomic impacts on traditional users that would accompany overfished status or full utilization of the commercial allocation, the Councils propose immediate prohibition of drift gillnets in the Atlantic migratory group king mackerel fishery, rather than waiting for the resource once again to be declared overfished.

For similar reasons the Councils concluded that purse seines and run-around gillnets should be prohibited from the fishery when the Atlantic group king mackerel fishery is declared overfished and, in the opinion of the Councils, the commercial quota can be harvested by existing gear other than purse seines and run-around gillnets. Although purse seines and run-around gillnets are not frequently used in this fishery, when the fishery is declared overfished their use will contribute to early closure of the commercial fishery and the accompanying negative socioeconomic impact to traditional hook-and-line users.

Amendment 3 was originally submitted to the Secretary of Commerce (Secretary) in March 1989, and its availability was published in the Federal Register on March 17, 1989 (54 FR 11252). The proposed rule to implement Amendment 3 was published in the Federal Register on April 10, 1989 (54 FR 14256). The Secretary approved portions of Amendment 3 on June 16, 1989, but did not approve (1) the drift gillnet prohibition for all coastal migratory pelagic species, (2) the purse seine and run-around gillnet

prohibitions for Atlantic migratory group king mackerel, and (3) the proposed new FMP objective to minimize waste and bycatch in the fishery (July 13, 1989, 54 FR 29561). The Councils discussed the disapproved measures during meetings in June, August/September, and November/December, considered additional public input at those meetings and voted to resubmit the disapproved measures for approval by the Secretary. These measures, their impacts and the rationale for the Councils' conclusions are summarized below. A more complete analysis appears in the resubmission document, the availability of which was announced in the Federal Register (January 22, 1990, 55 FR 2118).

Background

1988 Assessment and Actions

According to the 1988 mackerel stock assessment, the status of Atlantic migratory group king mackerel was as follows: (1) Spawning stock biomass remained relatively constant until 1984, after which a decrease may have occurred; (2) fishing mortality rates appeared to be at or slightly above rates of full exploitation; (3) catches were high and variable from 1980 to 1985, but catches in 1986 and 1987 declined; and (4) four of five data sets of catch per unit of effort indicated declines in abundance. These results led the Councils to conclude that the Atlantic migratory group of king mackerel was overfished in 1988.

Based on the 1988 assessment, the Councils reduced total allowable catch (TAC) for the 1988/89 fishing season from 9.68 to 7.0 million pounds (28 percent reduction). This reduction was based on the Councils' concern for the apparent declining stocks and their decision to be conservative rather than risk continued overfishing. The resulting commercial allocation was reduced from 3.59 to 2.6 million pounds. This allocation was reached in November 1988; however, because of a court order, the commercial fishery was not closed immediately. The Councils concluded that the use of drift gillnets, purse seines, and run-around gillnets contributed to the early attainment of the commercial allocation.

1989 Assessment and Actions

The 1989 stock assessment found the status of Atlantic migratory group king mackerel as follows:

(1) Catches have remained relatively stable since 1981. Catch estimates for 1979 and 1980 should be given less emphasis due to initial estimation procedures in the Marine Recreational Fishing Statistical Survey. Total catch

varied between 9.4 and 7.2 million pounds during the period 1981 through 1987. Catches for 1988 (through October) were 7.9 million pounds.

(2) The abundance of spawning-age fish increased during the early to mid-1980s and may have declined slightly in recent years. There appears to be an adequate spawning biomass present which should continue, as long as fishing mortality rates do not increase greatly. Very high fishing mortality rates over the next several years could prevent the abundance of young fish from reaching the spawning stock.

(3) There appears to be significant amounts of recruitment into the fishery; but very high fishing mortality rates over the next several years could reduce the size of these year classes.

(4) Current projections produce unreasonably high estimates of acceptable biological catch (ABC) due to inability to quantify the magnitude of recent increases in recruitment. Estimates exceeded the approximated maximum sustainable yield (MSY) range of 6.9 to 15.4 million pounds for the Atlantic migratory group and, towards the upper end, exceeded the MSY range of 21.9 to 35.2 million pounds for the entire king mackerel stock. The stock assessment panel recommended that ABC for the 1989-90 fishing year be set between 6.9 and 15.4 million pounds, which approximates the MSY range. If this regulatory strategy is maintained, then spawning biomass should remain at adequate levels.

(5) As estimated during the assessment, the Atlantic migratory group of king mackerel is not overfished because the current fishing mortality rate does not exceed $F_{0.1}$ and the spawning stock biomass does not appear to be low enough to affect recruitment.

Based on the 1989 assessment, the Councils increased TAC from 7.0 to 9.0 million pounds. The resulting commercial allocation was increased from 2.6 to 3.34 million pounds. This commercial allocation exceeds historical catches in the 1982/83 and 1987/88 fishing years. The 1982/83 fishing year was before significant catches by drift gillnet gear and therefore indicates the potential for traditional commercial gear to attain the full commercial allocation.

The Councils recognize that the 1982/83 fishing year was prior to substantive management measures being in place (e.g., bag limits, permit requirements, etc.) and that more fish were available and harvest levels were the highest in the 1979-1989 period. However, the Councils are of the opinion that, with sufficient king mackerel available, the

commercial hook-and-line fishery would expand in traditional fishing areas and take the available yield. It is recognized this may take one or two years and during that period the commercial allocation may or may not be taken. Leaving fish unharvested from the allocation to spawn would not pose a significant problem in the Councils' opinion. Further, an expanding commercial catch in North Carolina, the increasing number of commercial hook and line fishermen, the increasing number of tournaments, the increasing number of recreational fishermen, and the potential for increased numbers of trips by both recreational and commercial fishermen are factors that will increase total catches.

Allowing drift gillnet gear in any of the coastal migratory pelagic fisheries will likely produce catches and/or result in mortality of overfished Gulf group king mackerel and Atlantic and Gulf group Spanish mackerel. The Councils are concerned that they cannot adequately protect king and Spanish mackerel resources or optimize yields if they are allowed to be targeted, taken as a bycatch, or inadvertently killed in driftnet fisheries for other coastal pelagic species. Also, in years when Atlantic group king mackerel are overfished and total allowable catch is set low to protect the resource, drift gillnets would likely produce a king mackerel catch and/or bycatch that would contribute to early closure of the commercial king mackerel fisheries, thus negatively impacting traditional hook-and-line commercial participants and resulting in further regional allocation problems.

The 1988 and 1989 assessments demonstrate that the status of Atlantic migratory group king mackerel, though not considered overfished at present, is tenuous, and conservative management should be employed until a clear picture of the long term outlook for the resource is determined.

The Councils are concerned that the previously approved actions in Amendment 3 do not prevent the inadvertent mortality of overfished king and Spanish mackerel but merely require that they not be targeted or retained; this further contributes to the waste and bycatch problem. The Councils concluded that this could negatively impact the rebuilding process already in place for overfished groups of king and Spanish mackerel.

Issue 1. Drift Gillnets in the Coastal Migratory Pelagic Fishery

The approved measures in Amendment 3 prohibited drift gillnets in

fisheries for Atlantic and Gulf migratory groups of Spanish mackerel and for Gulf migratory group king mackerel. Currently, there is no directed drift gillnet fishing for cobia, cero mackerel, little tunny, dolphin, or bluefish. Because drift gillnets are an indiscriminate gear, they cannot fish exclusively for any of these coastal pelagic species without a bycatch of king and Spanish mackerel. In addition, prohibiting the retention of coastal migratory pelagic fish in other drift gillnet fisheries will facilitate enforcement of the existing drift gillnet prohibitions. The shark drift gillnet fishery is the only fishery of which the Councils are aware that will be impacted by the prohibition on retention of all coastal migratory pelagic resources. The Councils do not have sufficient information about this fishery to evaluate the level of impact.

Impacts on Commercial Hook and Line Fisheries

Based on drift gillnet catches in 1987, a prohibition on use of drift gillnets would potentially make an additional 765,226 pounds of king mackerel available for harvest by the traditional commercial hook-and-line fisheries. How this additional catch would be distributed geographically is unknown, but in all probability catches in the area of Ft. Pierce, FL, and southward would increase due to increased local availability. Also, highly valued recreational species taken incidentally to the mackerel drift gillnet fishery would become available to the recreational fishery. The addition of 765,226 pounds of king mackerel, if caught entirely by the commercial hook and line fishery, would produce revenues of \$1,078,969.

Impacts on the Drift Gillnet Fishery

Data for 1987, 1988, and preliminary data for 1989, indicate that 13 vessels and between 39 and 52 fishermen were engaged in the drift gillnet fishery for Atlantic migratory group king mackerel. These vessels and fishermen also fish (1) in the run-around gillnet fishery for Gulf migratory group king mackerel and Gulf and Atlantic migratory group Spanish mackerel and (2) in the shark drift gillnet fishery. Periodically they also fish with smaller gillnet boats (outboards) in Indian River, FL, and outside the inlets. As of September 1987, there were approximately 38,000 yards of drift gillnet in the fishery valued between \$194,000 and \$232,800 when new. Based on drift gillnet catches in 1987, prohibiting this gear for coastal migratory pelagic species would result in foregone catches of king mackerel of 765,226 pounds. The revenue produced

by this catch is estimated at \$925,923. The range of losses to the individual drift gillnet vessels would be from 3,968 to 122,987 pounds with revenues from \$4,801 to \$148,814. In addition, losses from other species that are landed and sold would total approximately 65,755 pounds with estimated revenue of \$65,755 for the fishery as a whole. Loss in value of gillnets is unknown because of uncertainties as to age and the amount that could not be used in other fisheries.

The Councils selected the option of total prohibition of drift gillnets for all coastal migratory pelagic because they concluded that:

(1) It most appropriately meets the objectives of the FMP, is least burdensome, and has the greatest likelihood of correcting the problems discussed earlier.

(2) When the quantified and non-quantified benefits are combined, a net benefit to society results.

(3) It is in agreement with Florida's regulations, thereby aiding enforcement.

Issue 2. Purse Seines in the Atlantic Migratory Group King Mackerel Fishery

Current regulations prohibit the use of purse seines for Gulf group king mackerel and Atlantic and Gulf groups of Spanish mackerel because they are overfished and the existing commercial allocations are fully utilized by historical commercial gear types. For these species/migratory groups, the users of historical gear have had seasonal closures. Commercial allocations for the Atlantic migratory group of king mackerel had not been filled in the past, though the harvest was approaching TAC. During the 1988/89 fishing season, however, the commercial allocation was reached and the fishery was to be closed on November 23, 1988, but remained open until February 23, 1989 by court order. In addition, the Councils are concerned there may be a shift of effort into the Atlantic migratory group as fishermen are restricted from fishing other groups of mackerel.

The Councils concluded that the use of purse seines for mackerels should be discontinued on Atlantic migratory group king mackerel, when declared overfished and, in the opinion of the Councils, the commercial quota can be harvested by existing gear other than purse seines and run-around gillnets, because:

(1) The use of purse seines under such circumstances would worsen the overfished status.

(2) It would be imprudent and unfair to allow a newer user group into an overfished fishery when existing historic users are forced to limit catches

because of reduced allocations. As stocks recover and traditional commercial fishermen are not taking their allocation, this issue would be reconsidered.

(3) Purse seine boats are not historic participants in the mackerel fishery, not having been used until introduced in Federal waters in 1983 for study purposes. The mackerel fishery appears to be only an opportunistic fishery for purse seines with mackerel being taken in 48 of the 305 purse seine trips (16 percent) during the study.

(4) The Councils would be allocating the resource fairly, based on traditional use, to the greatest number of fishermen.

(5) All states prohibit the use of purse seines for mackerel in adjacent state waters.

(6) The marginal value of a fish allocated to the traditional commercial fishery is higher than that of a fish allocated to the purse seine fishery.

The number of purse seine vessels that participated in the Atlantic migratory group king mackerel fishery for the first time in April 1988 was very small. The number of vessels was so small that purse seine catches had to be combined with run-around gillnet catches to avoid disclosure of confidential data. Using the combined purse seine and run-around gillnet catches in 1988, the prohibition would impact fishermen by preventing the harvest of approximately 340,000 pounds of king mackerel.

Issue 3. Run-around Gillnets in the Atlantic Migratory Group King Mackerel Fishery

Run-around gillnets have been used sporadically to harvest Atlantic migratory group king mackerel. The only recent catches were taken during April 1988. The Councils reviewed available information and chose to prohibit run-around gillnets for taking Atlantic migratory group king mackerel, when declared overfished and, in the opinion of the Councils, the commercial quota can be harvested by existing gear other than purse seines and run-around gillnets. They reasoned that continuing the use of run-around gillnets will likely result in early closure of the commercial fishery, thereby negatively impacting traditional commercial hook-and-line participants. Further, run-around gillnet gear is not considered a traditional gear in the Atlantic migratory group king mackerel fishery. This prohibition is not being applied to Atlantic or Gulf migratory group Spanish mackerel or Gulf migratory group king mackerel because run-around gillnets are

considered traditional gear in those fisheries.

A small number of run-around gillnet vessels participated in the Atlantic migratory group king mackerel fishery for the first time in April 1988. The number of vessels was so small that run-around gillnet catches had to be combined with purse seine catches to avoid disclosure of confidential data. Using the combined run-around gillnet and purse seine catches, the prohibition would impact fishermen by preventing the harvest of approximately 340,000 pounds of king mackerel.

Pursuant to section 304(b)(3)(B)(iii) of the Magnuson Act, the proposed rule prepared by the Councils has been revised by NMFS to authorize, rather than require, the Secretary to prohibit purse seines and run-around gillnets in the Atlantic Migratory group king mackerel fishery to assure consistency with the respective functions of the Secretary and the Councils under the Magnuson Act.

In addition to the above issues, the resubmission action subject to Secretarial approval, also would add an objective to the FMP to minimize waste and bycatch in the fishery.

Classification

Section 304(b)(3)(B)(iii) of the Magnuson Act, as amended by Pub. L. 99-659, requires the Secretary of Commerce (Secretary), after a Council has resubmitted a partially disapproved amendment to a FMP, to review immediately the revised proposed regulations, make such changes to them as may be necessary, and thereafter publish such revised proposed regulations in the Federal Register. At this time, the Secretary has not determined that the resubmitted Amendment 3, which this proposed rule would implement, is consistent with the national standards, other provisions of the Magnuson Act, and other applicable law. The Secretary, in making that determination, will take into account the data, views, and comments received during the comment period.

The Under Secretary for Oceans and Atmosphere, NOAA, determined that this proposed rule is not a "major rule" requiring the preparation of a regulatory impact analysis under E.O. 12291. This proposed rule, if adopted, is not likely to result in an annual effect on the economy of \$100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, state, or local government agencies, or geographic regions; or a significant adverse effect on competition, employment, investment, productivity, innovation, or the ability of

U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Councils prepared a regulatory impact review (RIR) which concludes that this rule will have the economic effects discussed above in the analysis of the management measures of the resubmitted Amendment 3. A copy of the RIR may be obtained at the address listed above.

This proposed rule is exempt from the procedures of E.O. 12291 under section 8(a)(2) of that order. It is being reported to the Director, Office of Management and Budget, with an explanation of why it is not possible to follow the procedures of that order.

The Councils prepared an initial regulatory flexibility analysis (IRFA) as part of the regulatory impact review which concludes that this proposed rule, if adopted, would have significant effects on small entities. An estimated thirteen vessels (small entities) would be prohibited from using drift gillnets to take any coastal migratory pelagic fish. Operators of these vessels would have limited opportunities to use this gear in other fisheries. Income based on use of this gear would be lost. In addition, a small but unknown number of vessels (small entities) could be prohibited from using purse seines and run-around gillnets to take Atlantic group king mackerel. These gears have been used in other fisheries but were first actively used in the Atlantic group king mackerel fishery during the 1987/88 fishing year. Operators of vessels with purse seines and run-around gillnets have alternate fisheries in which to use this gear. A copy of the IRFA may be obtained at the address above.

The Councils determined that the initial proposed rule for Amendment 3 would be implemented in a manner that is consistent to the maximum extent practicable with the approved coastal zone management programs of North Carolina, South Carolina, Florida, Alabama, Mississippi, and Louisiana. Georgia and Texas do not have approved coastal zone management programs. This determination was submitted for review by the responsible State agencies under section 307 of the Coastal Zone Management Act. North Carolina, South Carolina, Florida, and Louisiana agreed with this determination. Alabama and Mississippi did not respond within the statutory time period and, therefore, consistency is implied automatically. All measures proposed in this rule were encompassed within Amendment 3 as originally submitted. Therefore, the Assistant Administrator for Fisheries, NOAA, (Assistant Administrator) finds that the

determination of consistency remains applicable.

The Councils prepared an environmental assessment (EA) that discusses the impact on the environment of Amendment 3. A copy of the EA may be obtained at the address listed above.

This proposed rule does not contain a collection-of-information requirement for purposes of the Paperwork Reduction Act.

This proposed rule does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under E.O. 12612.

List of Subjects in 50 CFR Part 642

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: February 9, 1990.

James E. Douglas, Jr.,

Deputy Assistant Administrator For Fisheries, National Marine Fisheries Service.

For the reasons set forth in the preamble, 50 CFR part 642 is proposed to be amended as follows:

PART 642—COASTAL MIGRATORY PELAGIC RESOURCES OF THE GULF OF MEXICO AND SOUTH ATLANTIC

1. The authority citation for part 642 continues to read as follows:

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

2. In § 642.7, paragraph (x) is revised to read as follows:

§ 642.7 Prohibitions.

* * * * *

(x) Fish with a drift gillnet for coastal migratory pelagic fish or possess any such fish aboard a vessel with a drift gillnet aboard, as specified in § 642.24(a)(3).

3. In § 642.24, paragraph (a)(3) is revised to read as follows:

§ 642.24 Vessel, gear, equipment limitations.

(a) * *

(3) *Drift gillnets.* The use of a drift gillnet to fish in the EEZ for coastal migratory pelagic fish is prohibited. A vessel in the EEZ or having fished in the EEZ with a drift gillnet aboard may not possess any coastal migratory pelagic fish.

* * * * *

4. In § 642.27, a new paragraph (f)(4) is added to read as follows:

§ 642.27 Stock assessment procedures.

* * * * *

(f) * * *

(4) Prohibiting the use of purse seines and run-around gillnets for Atlantic migratory group king mackerel. Such

prohibition may be implemented only when the Councils have found:

(i) That the Atlantic migratory group of king mackerel is in an overfished status, based on a conclusion of the Group and verified by the Councils' Scientific and Statistical Committees; and

(ii) That the commercial allocation of Atlantic migratory group king mackerel can be harvested by authorized gear other than purse seines and run-around gillnets.

[FR Doc. 90-3514 Filed 2-9-90; 3:32 pm]

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50 CFR Part 658

RIN 0648-AC75

Shrimp Fishery of the Gulf of Mexico

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of availability of a fishery management plan amendment and request for comments.

SUMMARY: NOAA issues this notice that the Gulf of Mexico Fishery Management Council (Council) has resubmitted a previously disapproved proposal contained in Amendment 4 to the Fishery Management Plan for the

Shrimp Fishery of the Gulf of Mexico (FMP) for review by the Secretary of Commerce (Secretary). Comments are invited from the public on the amendment and related documents.

DATE: Comments will be accepted until March 14, 1990.

ADDRESSES: Copies of the resubmitted portion of Amendment 4, the environmental assessment, and supplemental regulatory impact review are available from the Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Florida 33609.

Send comments to Michael E. Justen, Southeast Region, NMFS, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

FOR FURTHER INFORMATION CONTACT: Michael E. Justen, 813-893-3722.

SUPPLEMENTARY INFORMATION: The resubmitted portion of Amendment 4 was prepared under the Magnuson Fishery Conservation and Management Act which requires the Secretary, upon receiving an FMP or amendment, to publish a notice that the FMP or amendment is available for public review and comment. The Secretary will consider the public comments in determining the approvability of this amendment.

NOAA partially disapproved Amendment 4 on December 13, 1988 (53 FR 49992). The disapproved portion of Amendment 4 proposes to apply the minimum-size landing and possession limits of the state where landed to white shrimp taken in the exclusive economic zone (EEZ). NOAA disapproved this measure because (1) it was not justified by adequate economic rationale; (2) the use of size counts as a management tool for shrimp is inconsistent with the FMP; and (3) the measure included an open-ended deferral to changes in state count laws for white shrimp that would not be reviewable for conformance with the FMP prior to becoming applicable to white shrimp harvested from the EEZ.

The Council has revised the measure and provided additional information in an attempt to satisfy NOAA's objections to the original proposal. Proposed regulations for this measure are scheduled to be published within 10 days.

Authority: 18 U.S.C. 1801 *et seq.*

Dated: February 9, 1990.

Richard H. Schaefer,
Director of Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 90-3515 Filed 2-9-90; 3:32 pm]

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