

comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to August 18, 1999.

A copy of the application and accompanying exhibits will be available for public inspection at each of the following locations:

Port of Olympia, 915 Washington Street NE, Olympia, WA 98501  
Office of the Executive Secretary,  
Foreign-Trade Zones Board, Room  
3716, U.S. Department of Commerce,  
14th & Pennsylvania Avenue, NW,  
Washington, DC 20230

Dated: May 27, 1999.

**Dennis Puccinelli,**

*Acting Executive Secretary.*

[FR Doc. 99-14097 Filed 6-3-99; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[Application No. 85-8A018]

#### Export Trade Certificate of Review

**ACTION:** Notice of issuance of an amended Export Trade Certificate of Review.

**SUMMARY:** The Department of Commerce has issued an amendment to the Export Trade Certificate of Review granted to U.S. Shippers Association ("USSA") on June 3, 1986. Notice of issuance of the original Certificate was published in the **Federal Register** on June 9, 1986 (51 FR 20873).

**FOR FURTHER INFORMATION CONTACT:** Morton Schnabel, Director, Office of Export Trading Company Affairs, International Trade Administration, (202) 482-5131. This is not a toll-free number.

**SUPPLEMENTARY INFORMATION:** Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001-21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. The regulations implementing Title III are found at 15 CFR part 325 (1999).

The Office of Export Trading Company Affairs ("OETCA") is issuing this notice pursuant to 15 CFR 325.6(b), which requires the Department of Commerce to publish a summary of a Certificate in the **Federal Register**. Under section 305(a) of the Act and 15 CFR 325.11(a), any person aggrieved by the Secretary's determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the determination on the ground that the determination is erroneous.

#### Description of Amended Certificate

Export Trade Certificate of Review No. 85-00018, was originally issued to U.S. Shippers Association on June 3, 1986 (51 FR 20873, June 9, 1986), and subsequently amended on January 16, 1990 (55 FR 2543, January 25, 1990); November 13, 1990 (55 FR 48664, November 21, 1990); September 22, 1993 (58 FR 51061, September 30, 1993); June 28, 1994 (59 FR 34411, July 5, 1994); April 10, 1997 (62 FR 18586, April 16, 1997); and November 23, 1998 (63 FR 65752, November 30, 1998).

USSA's Export Trade Certificate of Review has been amended to:

1. Add the following entities as new "Members" of the Certificate within the meaning of § 325.2(1) of the Regulations (15 CFR 325.2(1)): Lyondell Chemical Worldwide, Inc., Newtown Square, PA (Controlling Entity: Lyondell Petrochemical Company, Houston, Texas); and Arch Chemicals, Inc., Norwalk, CT (Controlling Entity: None); and

2. Delete ARCO Chemical Company, Newtown Square, PA; and Olin Corporation, Norwalk, CT as "Members" of the Certificate.

A copy of the amended certificate will be kept in the International Trade Administration's Freedom of Information Records Inspection Facility, Room 4102, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC. 20230.

Dated: May 28, 1999.

**Morton Schnabel,**

*Director, Office of Export Trading Company Affairs.*

[FR Doc. 99-14184 Filed 6-3-99; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 052699D]

#### Fisheries of the Exclusive Economic Zone off Alaska; Groundfish of the Bering Sea and Aleutian Islands Management Area; Exempted Fishing Permit

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

**ACTION:** Issuance of an exempted fishing permit.

**SUMMARY:** NMFS announces the issuance of an exempted fishing permit (EFP) 99-02 to the Washington Sea Grant Program (WSGP). The EFP

authorizes the WSGP to conduct an experiment in the Bering Sea and Aleutian Islands Management Area (BSAI) that would test the effectiveness of seabird avoidance measures. NMFS could use results from the EFP to establish more effective regulatory measures to reduce incidental take of seabirds in these fisheries. This EFP is necessary to provide information not otherwise available through research or commercial fishing operations. The intended effect of this action is to promote the purposes and policies of the Magnuson-Stevens Fishery Conservation and Management Act.

**ADDRESSES:** Copies of the EFP and the Environmental Assessment (EA) prepared for the EFP are available from Lori Gravel, Sustainable Fisheries Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802.

**FOR FURTHER INFORMATION CONTACT:** Kim S. Rivera, 907-586-7424.

**SUPPLEMENTARY INFORMATION:** The Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Management Area authorizes the issuance of EFPs for fishing for groundfish in a manner that would otherwise be prohibited under existing regulations. The procedures for issuing EFPs are set out at 50 CFR 679.6 and 600.745.

On February 23, 1999, NMFS received an EFP application from WSGP to conduct an experiment to assess alternative seabird avoidance measures for hook-and-line gear fisheries off Alaska. NMFS published an announcement of receipt of the EFP application in the **Federal Register** on March 29, 1999 (64 FR 14885), describing the proposed experiment and its use in both the groundfish and Individual Fishing Quota (IFQ) fisheries. On March 22, 1999, NMFS received a second EFP application from WSGP. The second application would augment the first related EFP recently issued to WSGP and requests authorization for WSGP to test the effectiveness of seabird avoidance measures in the Bering Sea Pacific cod fishery outside of the open access and Community Development Quota (CDQ) fisheries. During its meeting in April 1999, the North Pacific Fishery Management Council recommended approval of both EFP applications submitted by the WSGP. NMFS announced the approval of the first EFP May 12, 1999, in the **Federal Register** (64 FR 25478).

WSGP will conduct the experiment under the second EFP as a part of its research project jointly funded by the U.S. Fish & Wildlife Service (USFWS)

and NMFS. WSGP will compare two seabird avoidance measures to a control (no measures) in the BSAI Pacific cod fishery. A second EFP is necessary because the WSGP's research project calls for testing seabird avoidance measures in different fisheries and different fishery operations. The first part of the research project is being conducted on smaller-sized vessels [less than 124 ft (37.8 m) length overall (LOA)] using hook-and-line gear in the IFQ Pacific halibut and sablefish fisheries. The second part of the research project will be conducted on larger catcher-processor vessels [longer than 124 ft LOA (37.8 m)] in the BSAI Pacific cod fishery. The first EFP authorizes the control treatments (no seabird avoidance measures) for both parts of the research project.

Owner/operators of vessels for the second part of the project were concerned that experimental operations would interfere with the highly competitive open access fishery, resulting in potential economic loss. Additionally, the CDQ fisheries are often conducted after the fall open access BSAI Pacific cod fishery, when some seabirds have left the area. Because two observers already are required on CDQ operations, a third observer would have been necessary to carry out the seabird experiment adequately. Many vessels could not have accommodated this additional observer. Therefore, WSGP submitted a second EFP application requesting that the second part of the experiment be allowed to occur at a time when fishing for BSAI Pacific cod is closed to directed fishing.

The purpose of this experiment is to assess the effectiveness of alternative seabird avoidance measures for hook-and-line fisheries off Alaska. The objectives of the WSGP experiment are to: (1) Work cooperatively with the fishing industry, NMFS, and the USFWS to select and then test the effectiveness of seabird avoidance measures in hook-and-line fisheries off Alaska; (2) characterize the species-specific behavioral interactions of seabirds with hook-and-line gear on actively fishing vessels, with and without seabird avoidance measures; (3) work cooperatively with the fishing industry, NMFS, and the USFWS to develop recommendations for revisions to existing seabird avoidance regulations and performance standards based on the results of this research; and (4) recommend future research and research protocols. Issuance of this EFP will provide information not otherwise available through research or commercial fishing operations.

WSGP designed, and NMFS reviewed, the experimental protocol for testing on larger-sized catcher-processor vessels (longer than 124 ft (37.8 m) LOA) in the BSAI. The protocol requires a minimum of 3 million deployed hooks and 150 observer days over 2 years to adequately address the efficacy of seabird avoidance measures relative to a control of no measure(s). To achieve this sample size objective, two vessels per year in the Pacific cod fishery will be required, with seabird observer coverage for a total of 40 days per year (approximately 2 trips). Two observers will work on each vessel and will sample between 65 to 80 percent of all hooks on each of the hauls, assuming a total hook retrieval observation rate of 40 percent. Two observers will sample 65 to 80 percent of all hooks on each of the hauls. To fully complete the experiment, WSGP estimates that a total of 1,652 metric tons (mt) of groundfish may be taken by the two vessels participating in the experiment. The experiment is scheduled to take place in the BSAI for approximately 40 to 50 days during July 1999 through October 1999, and for approximately 40 to 50 days during July 2000 through October 2000.

WSGP established an industry advisory committee in consultation with NMFS and the USFWS. This committee selected the participating vessels and the seabird avoidance measures to be tested. The participating vessels were selected in collaboration with the North Pacific Longline Association based on fishing experience, demonstrated leadership in the seabird bycatch issue, and willingness to cooperate in the experiment. The performance of seabird avoidance gear will be tested against a standard control gear. The control gear will be identical hook-and-line gear, although configured without the seabird avoidance gear. Fishing with experimental and control gear will be conducted with procedures and at sites similar to those used during the commercial fishery for Pacific cod in the BSAI.

The Regional Administrator approved the EFP application and has issued EFP 99-02 to the WSGP. The EFP authorizes the participation of two vessels per year in the experimental BSAI Pacific cod fishery. The EFP authorizes the harvest of 1,652 mt of groundfish during approximately 40 to 50 days in July 1999 through October 1999. The effective period for the EFP may be revised for other months in 1999 and 2000, pending agreement between the permit holder and the Administrator, Alaska Region, NMFS (Regional Administrator). No more than 1,306 mt of the authorized amount may be Pacific

cod. The EFP also authorizes, as prohibited species catch, no more than 17.2 mt of Pacific halibut bycatch mortality. NMFS will review the experimental work and, pending successful completion of the first year of the experiment in 1999, the same amount of groundfish harvest would be authorized during the same time period in 2000 for the second year of the experiment. Groundfish and halibut bycatch mortality associated with this experiment will not be deducted from total allowable catch and halibut bycatch allowances specified for the 1999 groundfish fisheries. This will not cause a conservation problem for groundfish species because estimated total removals under the EFP are very small compared to the overall TACs for these species and would not contribute in a meaningful way to approaching overfishing levels already considered in the EA for 1999 specifications.

Failure of the permit holder to comply with the terms and conditions of the EFP may be grounds for revocation, suspension, or modification of the EFP under 15 CFR part 904 with respect to any or all persons and vessels conducting activities under the EFP. Failure to comply with applicable laws also may result in sanctions imposed under those laws.

#### Classification

The Regional Administrator determined that fishing activities conducted under this action would not affect endangered and threatened species or critical habitat in any manner not considered in prior consultations on the groundfish fisheries. The USFWS has issued a section 10 permit to WSGP under the Endangered Species Act. Such a permit authorizes the incidental take of one short-tailed albatross in the unlikely event that one were taken during the course of the experiment.

This notice is exempt from review under E.O. 12866 and the Regulatory Flexibility Act (RFA) because prior notice and opportunity for public comment are not required for this notice. Therefore, the analytical requirements of the RFA are inapplicable.

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

Dated: May 28, 1999.

**Bruce C. Morehead,**

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

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