

Executive Director's Report

The past two months have been very busy, not only for the Council staff, but also for personnel from ADF&G, and NMFS Center and Region, working on Council-related activities. Item B-1(a) lists the projects completed in May and June, and it's a pleasure to recognize those principally responsible in these combined staff efforts:

<u>Council</u>	<u>NMFS-Region</u>	<u>NMFS-AFSC</u>	<u>ADFG</u>	<u>IPHC</u>
Helen Allen	Aven Anderson	Rebecca Baldwin	Barry Bracken	Greg Williams
Steve Davis	Ray Baglin	Jim Balsiger	Fritz Funk	
Marcus Hartley	Ron Berg	Jerry Berger	Dana Schmidt	
Peggy Kircher	Jay Ginter	Jim Hastie		
Gail Peeler	Sue Salveson	Sandra McDevitt		
Dick Tremaine	Janet Smoker	Russ Nelson		
Hal Weeks		Bob Otto		
Judy Willoughby		Lew Queirolo		
Bill Wilson		Jerry Reeves		
		Joe Terry		
		Grant Thompson		
		Tom Wilderbuer		

These are the staffers who have been carrying the load for the Council all year and particularly this spring. And, there are many more people who helped on Council-related activities that are not mentioned above; for example, other plan team members who helped review analyses. NMFS staff initiated over a half dozen inseason management actions, followed through on emergency actions by the Council from April, and hosted a meeting in Seattle to review the observer program with industry. All in all it was a busy two months, and the summer probably will be just as busy! Without the valuable contributions from the other agencies, we would not be nearly so far along as we are on Council initiatives.

New Economist Reports Aboard

We've finally hired our new economist. Dr. James C. Cornelius comes to us from Oregon State University where he is a fully-tenured professor. He has an excellent background in natural resource and agricultural economics. His Ph.D. is from Washington State University. He's also worked with the extension service, experience which will aid in communicating complex economics concepts to the Council and industry. I want to welcome him aboard.

International Fisheries

As you've already noted in the agenda, I removed international fisheries as a separate agenda item to save time. The only substantive activities since April include (1) the U.S. - Soviet Summit Meeting joint statement warning of the dangers of overfishing by unregulated fisheries in the Donut Hole, and urging cooperative efforts to develop an international regime for management of the fisheries; (2) the CEQ -sponsored U.S. - Soviet conference on shared living resources of the Bering Sea; (3) the Japanese-North Korean salmon scam in Soviet waters; and (4) Governor Cowper's letter on the illegal salmon fisheries to the U.S. Secretary of State. All these items were reported to you in

Council mailings. In addition, the Assistant Administrator for Fisheries, Dr. William Fox, announced that he would extend foreign permits through 1990 for transshipment of Donut fish within our EEZ (please see item B-1(b)).

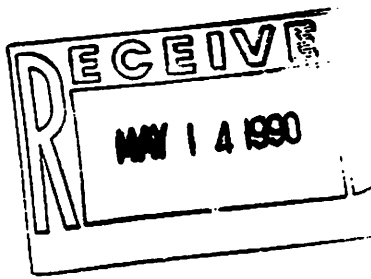
Later this summer there may be multilateral discussions on a draft convention for the conservation of anadromous fish stocks. The convention would promote management of valuable salmonid resources of mutual concern and prohibit the fishing for and incidental taking of salmonids on the high seas, except as specifically agreed. Dave Benton is available to handle questions on this matter. He has with him a 7-minute video prepared by ADF&G on salmon interceptions.

Reservations for September Meeting

We've been having some problems with the room blocks for the meeting being used up before Council family members have had a chance to get in their reservations. I've asked Judy Willoughby to reserve rooms ahead of time. She will be coming around to you individually toward the end of the week to determine your preferred reservations.

Council Projects Completed in May and June

- May 15: Draft analysis of groundfish amendments 21/16 sent to public review. Primary authors were Hal Weeks and Bill Wilson from the Council; Jim Balsiger, Jerry Berger, Sandra McDevitt, Rebecca Baldwin, Grant Thompson, Joe Terry, and Tom Wilderbuer from the Center; Ron Berg, Jay Ginter, Sue Salveson, and Janet Smoker from the Region; Greg Williams from IPHC; and Barry Bracken from ADF&G.
- May 17: Amendment 3 package for salmon plan submitted to Secretarial Review. Aven Anderson on the Region staff took the lead on this.
- May 21: Submission of industry survey to OMB review via NMFS, NOAA and Commerce. Lew Queirolo and Rebecca Baldwin at the Center were major authors.
- May 24: Final sablefish IFQ analysis sent to public review. Primary authors were Dick Tremaine and Marcus Hartley from the Council; Jay Ginter from the Region; and Joe Terry and Jim Hastie from the Center.
- June 4-5 Presentation prepared for fisheries panel for CEQ Conference on Shared Living Resources of the Bering Sea in Fairbanks. Peggy Kircher prepared the graphics presentation.
- June 4-7: Biennial audit of all Council grants and expenditures. Judy Willoughby and Gail Peeler had lead in preparing for audit by Price Waterhouse auditors.
- June 8: Revised Council SOPP sent to Secretarial Review. Judy Willoughby made the revisions.
- June 11: Draft moratorium notice sent to industry and Council for pre-meeting review. Steve Davis and Jay Ginter were primary authors.
- June 13: Draft EA/RIR for Amendment 1 (overfishing definition) to crab plan sent to Council review. Primary authors were Jerry Reeves and Bob Otto from the Center; Ray Baglin from the Region; and Dana Schmidt from ADF&G.
- June 15: Analysis of Amendment 4 (overfishing definition) for salmon plan sent to Council. Primary author was Aven Anderson at the Region.
- June 15: Analysis of herring bycatch chapter of Amendment 16a sent to Council. Fritz Funk of ADF&G was the primary author.
- June 20: Analysis of crab and halibut bycatch chapter of groundfish Amendment 16a sent to Council review. Primary authors were Hal Weeks from the Council; Tom Wilderbuer, Joe Terry, and Rebecca Baldwin from the Center; and Sue Salveson from the Region.
- June 25: Discussion paper prepared on 1990 domestic observer program. Primary author was Russ Nelson of the Center.
- June 25: Groundfish regulatory amendments prepared for Council review. Primary authors were Sue Salveson, Ron Berg, and Jay Ginter at the Region.



UNITED STATES DEPARTMENT
National Oceanic and Atmospher
NATIONAL MARINE FISHERIES SERVICE
1335 East-West Highway
Silver Spring, MD 20910
OFFICE OF THE DIRECTOR

AGENDA B-1(b)
JUNE 1990

MAY 11 1990

Mr. Clarence G. Pautzke
Executive Director
North Pacific Fishery Management Council
605 West 4th Avenue
Anchorage, Alaska 99501

Dear Clarence,

This is in further reply regarding the North Pacific Fishery Management Council's recommendations on 1990 foreign fishing applications. My letter of January 17, 1990, indicated that we would investigate the potential economic effects on U.S. interests of denying foreign fishing permits to transship "donut hole" harvested fish in the Exclusive Economic Zone. I also noted that we would advise you of our conclusions prior to June 30.

We have completed our investigation and, based on the best information available, concluded that withholding permits for transshipping "donut hole" fish in the EEZ would adversely affect those U.S. companies which do business with Poland without significantly affecting fishing in the "donut hole". Therefore, I have decided to extend the 1990 permits for the remainder of the year for transshipping in the EEZ fish which were harvested seaward of the EEZ.

A notice will be published in the Federal Register to advise the public of this decision. That notice will also request comments on how applications, if any, should be treated in 1991, including whether U.S. observers should be placed on the harvesting vessels during their operations in the "donut hole". I will advise the Council of the results of the comments received before any 1991 applications are processed by the Council.

Sincerely,

William W. Fox, Jr.

THE ASSISTANT ADMINISTRATOR
FOR FISHERIES



ADDRESSES: Comments should be submitted to Einar Wold, Chief, Environmental and Technical Services Division, National Marine Fisheries Service, 1002 NE Holladay Street—room 620, Portland, Oregon 97232.

FOR FURTHER INFORMATION CONTACT: Merritt Tuttle, Environmental and Technical Services Division, NMFS, Portland, Oregon 97232 (503/230-5424 or FTS/429-5424) or Patricia Montanio, Protected Species Management Division, NMFS, 1335 East-West Highway, Silver Spring, MD 20910 (301/427-2312).

SUPPLEMENTARY INFORMATION:

Background

Section 4 of the ESA contains provisions allowing interested persons to petition the Secretary of the Interior or the Secretary of Commerce to add a species to, or remove a species from, the List of Endangered and Threatened Wildlife (List). Within 90 days after receiving a petition, section 4(b)(3) of the ESA requires the Secretary to determine whether the petition presents substantial scientific or commercial information indicating that the petitioned action may be warranted. NMFS interprets "substantial information" to mean the amount of information that would lead a reasonable person to believe that the proposed measure may be warranted (50 CFR 424.14(b)).

Listing Factors and Basis for Determination

Under section 4(a)(1) of the ESA, a species can be determined to be endangered or threatened for any of the following reasons: (1) Present or threatened destruction, modification, or curtailment of its habitat or range; (2) overutilization for commercial, recreational, scientific, or educational purposes; (3) disease or predation; (4) inadequacy of existing regulatory mechanisms; or (5) other natural or manmade factors affecting its continued existence. Listing determinations are made solely on the best scientific and commercial data available after taking into account any efforts made by any State or foreign nation to protect the species.

Petition Received

On April 2, 1990, the Secretary of Commerce received a petition from the Shoshone-Bannock Tribes of the Fort Hall Indian Reservation, Idaho, to list the Snake River, Idaho, race of sockeye salmon (*O. nerka*) under the ESA. The Assistant Administrator for Fisheries has determined that the petition presents substantial scientific

information indicating that the petitioned action may be warranted.

Under section 4 of the ESA, this determination requires that a review of the status of *O. nerka* be conducted to determine if the petitioned listing is warranted. Prior to receiving the petition, NMFS initiated its own review of *O. nerka* in the Salmon River, a tributary to the Snake River. The Notice of Status Review was published in the Federal Register on April 9, 1990 (51 FR 13181). Therefore, NMFS will continue its original status review of *O. nerka* under the timelines mandated by the ESA for petitions.

Section 4 of the ESA requires that within 12 months of receipt of a substantial petition, the Secretary make one of the following findings: (1) The petitioned action is not warranted; (2) the petitioned action is warranted; or (3) the petitioned action is warranted, but pending listing proposals preclude immediate proposal of a regulation to implement the action. A Notice of Finding must be published in the Federal Register and, in the case of (2) above, a proposed regulation to implement the action must be included.

Section 4(a)(3) of the ESA requires that critical habitat be designated concurrently with a determination that a species is endangered or threatened. However, unlike designating a species as endangered or threatened, economic impacts must be considered when designating critical habitat. An area may be excluded from the designation if it is determined that the benefits of an exclusion outweigh the benefits of including the area as critical habitat, and the exclusion will not result in the extinction of the species.

Biological Information Solicited

To ensure that the review is complete and is based on the best available scientific and commercial data, NMFS is continuing its solicitation of information and comments concerning the status of *O. nerka* that was initiated in April 9, 1990, Federal Register notice of Status Review. There are several technical issues that will need to be addressed in reviewing the status of *O. nerka* in Snake River including: (1) Defining distinct population segments that qualify as species under the ESA; (2) determining the threshold for threatened and endangered status; (3) evaluating the role of artificial propagation; (4) evaluating the relationship with the nonanadromous kokanee salmon (*O. nerka*) populations; and (5) determining the causes of decline.

The NMFS reiterates that it seeks information from any interested party and requests that such data,

information, and comments be accompanied by: (1) supporting documentation, such as maps, bibliographic reference, or reprints of pertinent publications; and (2) the Party's name, address, and any association, institution, or business that the Party represents.

Dated: May 29, 1990.

William W. Fox, Jr.,

Assistant Administrator for Fisheries.

[FR Doc. 90-12900 Filed 6-4-90; 8:45 am]

BILLING CODE 3510-12-M

Foreign Fishing Permits, Transshipment of "Donut Hole" Fish in the Exclusive Economic Zone

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

ACTION: Notice.

SUMMARY: NOAA advises the public of its decision to extend, for the remainder of 1990, fishing permits for certain foreign vessels operating in the Bering Sea and Aleutian Islands (BSA) and the Gulf of Alaska (GOA) fisheries within the Exclusive Economic Zone (EEZ). These permits authorize the vessels to transship fish production derived from fishing in waters of the Central Bering Sea seaward of the EEZ.

ADDRESSES: Inquiries should be directed to the Operations Support and Analysis Division, F/CML, National Marine Fisheries Service (NMFS), 1335 East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Alfred J. Bilik, at the address above, or at 301-427-2337 or telex 467856 US COMM FISH CI.

SUPPLEMENTARY INFORMATION: Permit applications for fishing in the EEZ in 1990 were submitted by foreign fishing nations. Certain applications requested permits to allow the foreign vessels to transship in the EEZ fish production derived from catches in waters of the Central Bering Sea seaward of the EEZ, i.e., the "donut hole."

The permit applications were reviewed by the North Pacific Fishery Management Council (Council) under the provisions of section 204(b)(5) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*). The Council recommended that permits be issued only for those foreign vessels involved in joint ventures in the EEZ. The Council viewed its recommendation as an effective means to reduce the foreign vessels' fishing effort in the "donut hole", particularly on stocks believed to occur in both the "donut hole" and in the EEZ. NOAA considered

the Council's recommendation but decided to approve the applications for a 6-month period, pending further study of the effects of denying such permits on U.S. interests and determination of whether disapproval would be an effective means of significantly reducing the extent of foreign fishing in the "donut hole."

NOAA considered all available information bearing on this issue and completed its considerations on May 3, 1990. As a result, the Assistant Administrator for Fisheries has decided to extend permits authorizing transshipment of fish taken seaward of the EEZ from their current expiration date of June 30, 1990, through December 31, 1990. The Council was advised of this decision and concerned fishing nations have been notified that expiration dates were extended. This notice advises the public of the Assistant Administrator's decision.

The decision is restricted to permits issued for such transshipments this year in the BSA and COA fisheries and any similar 1990 applications that may be received before the end of the year.

Dated: May 30, 1990.

William W. Fox, Jr.,

Assistant Administrator For Fisheries.

[FR Doc. 90-12991 Filed 05-04-90; 9:45 am]

BILLING CODE 3510-22-B

National Telecommunications and Information Administration

Open Meeting of Frequency Management Advisory Council

AGENCY: National Telecommunications and Information Administration, Commerce.

ACTION: Notice of open meeting, Frequency Management Advisory Council.

SUMMARY: In accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. 2, notice is hereby given that the Frequency Management Advisory Council (FMAC) will meet from 9:30 a.m. to 4:30 p.m. on June 22, 1990, in Room 4068 at the United States Department of Commerce, 14th Street and Pennsylvania Avenue, NW., Washington, DC. (Public entrance to the building is on 14th Street between Pennsylvania Avenue and Constitution Avenue.)

The Council was established on July 19, 1985. The objective of the Council is to advise the Secretary of Commerce on radio frequency spectrum allocation matters and means by which the effectiveness of Federal Government frequency management may be

enhanced. The Council consists of 15 members whose knowledge of telecommunications is balanced in the functional areas of manufacturing, analysis and planning, operations, research, academia and international negotiations.

The principal agenda item for the meeting will be:

(1) Comprehensive Spectrum Management and Use Policy Review—NTIA Notice of Inquiry (NOI)

The meeting will be open to public observations. A period will be set aside for oral comments or questions by the public which do not exceed 10 minutes each per member of the public. More extensive questions or comments should be submitted in writing before April 20, 1990. Other public statements regarding Council affairs may be submitted at any time before or after the meeting. Approximately 20 seats will be available for the public on a first-come, first-served basis.

Copies of the minutes will be available on request 30 days after the meeting.

FOR FURTHER INFORMATION CONTACT: Inquiries may be addressed to the Executive Secretary, FMAC, Mr. Michael W. Allen, National Telecommunications and Information Administration, Room 4068, U.S. Department of Commerce, 14th Street and Pennsylvania Avenue NW., Washington, DC 20230, telephone 202-377-1138.

Dated: May 31, 1990.

Michael W. Allen,

Executive Secretary, Frequency Management Advisory Council, National Telecommunications and Information Administration.

[FR Doc. 90-12991 Filed 5-4-90; 9:45 am]

BILLING CODE 3510-22-B

DEPARTMENT OF DEFENSE

Department of the Navy

Board of Visitors to the United States Naval Academy; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. 2), notice is hereby given that a special subcommittee of the Board of Visitors to the United States Naval Academy will meet daily between 29 May and 15 July 1990, at the U.S. Naval Academy, Annapolis, Maryland. The sessions will be closed to the public.

The purpose of the meeting is to make inquiry as the Board shall deem necessary into the state of morale and discipline, the curriculum, instruction,

and academic method of the Naval Academy. These inquiries relate to the internal personnel rules and practice of the Academy, may involve on-going criminal investigations, and include discussions of personal information the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters as outlined in section 552b(c) (2), (5), (6), and (7) of title 5, United States Code.

Operational necessity constitutes an exceptional circumstance not allowing notice to be published in the Federal Register at least 15 days before the date of these meetings.

For further information concerning this meeting contact:

Captain John W. Roper, U.S. Navy, Retired, Secretary to the Board of Visitors, Dean of Admissions, United States Naval Academy, Annapolis, Maryland 21402-8017.

Dated: May 29, 1990.

Gandra M. Kay,

Alternate Federal Register Liaison Officer.

[FR Doc. 90-13116 Filed 6-1-90; 3:13 pm]

BILLING CODE 3510-21-B

DEPARTMENT OF ENERGY

Office of Fossil Energy

[Docket No. FE CA 89-12; Certification Notice—69]

Filing Certification of Compliance: Coal Capability of New Electric Powerplant Pursuant to Provisions of the Powerplant and Industrial Fuel Use Act, as Amended

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of filing.

SUMMARY: Title II of the Powerplant and Industrial Fuel Use Act of 1978, as amended ("PUIA" or "the Act") (42 U.S.C. 8301 et seq.) provides that no new electric powerplant may be constructed or operated as a base load powerplant without the capability to use coal or another alternate fuel as a primary energy source (section 211(a), 42 U.S.C. 8311(a), Supp. V. 1967). In order to meet the requirement of coal capability, the owner or operator of any new electric powerplant to be operated as a base load powerplant proposing to use natural gas or petroleum as its primary energy source may certify, pursuant to