

tracts of land (191 acres) currently held by the Weeks Bay Reserve Foundation as areas to be incorporated into the Reserve boundaries in the future. It initiates a land acquisition plan that identifies and prioritizes key ecological areas for future acquisition and/or protection.

3. Core and Buffer Areas. The revised Management Plan establishes the water bottoms within the Reserve boundaries up to mean high tide as the core area of the Reserve and the Reserve land areas as buffer to protect the core and provide additional protection for estuarine-dependent species.

4. Facilities. Under the revised Management Plan, the Reserve administration will improve existing facilities and develop buildings and boardwalks adjacent to the Interpretive Center to optimize the stewardship function of the Reserve with respect to resource protection, research, and education while maintaining a low impact on the immediate resources in that area.

5. Education. The revised Management Plan calls for the design and implementation of comprehensive programs of education and interpretation for all audiences to strengthen understanding, appreciation and stewardship of estuaries, coastal habitats and associated watersheds.

6. Research, Monitoring, and Coastal Decision Making. The revised Management Plan provides for the use of the System-wide Monitoring Program information and other research to provide a basis within the watershed for better informed decisions on the part of public and private users of the watershed.

7. Resource Protection. The revised Management Plan incorporates portions of the Weeks Bay Watershed Management Plan which has been developed to improve the water quality in Weeks Bay and the Weeks Bay watershed.

8. Habitat Restoration. The revised Management Plan describes current restoration of Reserve habitats (e.g. the pitcher plant bog, the southwest Weeks Bay shoreline). It establishes a process to identify and prioritize other habitats that have been degraded by human impact or have been disturbed leading to decreased productivity/biodiversity within the Reserve ecosystem.

The impacts of the WBNERR Management Plan have not changed and the initial Environmental Impact Statement (EIS) prepared at the time of designation remains valid. NOAA has made the determination that the proposed project will not have a significant effect on the human

environment and therefore qualifies for a categorical exclusion under NOAA Administrative Order 216-6. An environmental assessment will not be prepared.

Copies of the document can be obtained from the Weeks National Estuarine Research Reserve, 11300 US Highway 98, Fairhope, Alabama 36532. (334) 928-9792.

FOR FURTHER INFORMATION CONTACT: Nathalie Peter, OCRM, Estuarine Reserves Division, 1305 East-West Highway, 11th Floor (N/ORM5), Silver Spring, Maryland 20910. (301) 713-3132, extension 119.

Federal Domestic Assistance Catalog Number 11.420 (Coastal Zone Management) Research Reserves

Dated: June 3, 1999.

**Ted Lillestolen,**

*Deputy Assistant Administrator for Ocean Services and Coastal Zone Management.*

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

[Docket No. 990520139-9139-01; I.D. 050799A]

RIN 0648-AM68

**Disaster Assistance for Northeast Multispecies Fishery Failure**

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

**ACTION:** Notice; request for comments.

**SUMMARY:** NMFS requests comments on a proposed plan for disbursing funds to assist persons who have incurred losses from a commercial fishery failure due to the declining stocks of groundfish which has caused harm to the Northeast multispecies fishery. This proposed plan contains criteria for eligibility, limitations and conditions for receiving disaster assistance.

**DATES:** Comments must be received by June 28, 1999.

**ADDRESSES:** Comments should be sent to: Kevin Chu, NMFS, 166 Water St., Woods Hole, MA 02543. Direct all written comments regarding Paperwork Reduction Act and collection of information burden estimates to Linda Engelmeier, Departmental Forms Clearance Officer, Department of Commerce, Room 5327, 14th and Constitution Avenue, NW, Washington, DC 20230, and to the Office of Management and Budget (OMB) at the Office of Information and Regulatory

Affairs, Office of Management and Budget, Washington, DC 20503 (Attention: NOAA Desk Officer).

**FOR FURTHER INFORMATION CONTACT:** Kevin Chu, NMFS, Northeast Region ((508) 495-2367).

**SUPPLEMENTARY INFORMATION:** In the Emergency Supplemental Appropriations section of the FY 1999 Appropriations Act (Public Law No. 105-277), Congress appropriated \$5,000,000 to NOAA to provide emergency disaster assistance to persons or entities in the Northeast multispecies fishery who have incurred economic losses from a commercial fishing failure under a fishery resource disaster declaration made in 1994 pursuant to section 308(b) of the Interjurisdictional Fisheries Act (IFA) of 1986. Although the funds are available until used, NMFS is not obligated to compensate every individual affected by the Northeast multispecies collapse or to expend all the funding on assistance.

Pursuant to his authority under this section of the IFA, former Secretary of Commerce Ron Brown declared a fishery resource disaster on March 18, 1994, for the Northeast multispecies fishery. This disaster has extended through this year and is expected to continue, causing a number of additional fishery closures in New England and economic hardship in the fishery.

The Gulf of Maine stocks of groundfish have declined drastically over the past three decades. Since the first declaration of a fishery disaster in 1994, recovery measures for Northeastern groundfish have improved the prospects for commercially important cod, haddock, and yellowtail flounder stocks on Georges Bank, but measures intended to protect Gulf of Maine cod have not been as successful. Gulf of Maine stocks of cod, white hake, American plaice, and yellowtail flounder remain overfished. The spawning biomass continues to decline, reducing the probability that sizable groups of new fish will be produced. As a result of the continued crisis in the Northeast multispecies fishery, a number of areas in the Gulf of Maine have been closed to many types of fishing gear for up to 3 months during the period of February through June 1999, resulting in lost fishing opportunities.

There have been many meetings of fishermen discussing the best use of these disaster assistance funds, including a number of meetings of a group called the Tri-state Conference, composed of fishermen from Massachusetts, New Hampshire and

Maine. NMFS' proposed plan was developed based on comments received from numerous fishermen and other interested persons, including but not limited to, a public hearing on March 19, 1999, in Portsmouth, NH.

The proposed plan has two components. First, there is a program to provide direct assistance by compensating Federal permit holders and crew for economic harm based on reductions in used Days-at-Sea (DAS) under the authority of Section 308(d) of the IFA. In exchange for this compensation, permit holders would commit to operating their vessels for research on fishery-related subjects and would provide personal economic and social data important for evaluating the effects of fishery management decisions. Second, NMFS intends to set aside a portion of the funds for the training and deployment of affected persons as at-sea data collectors aboard scallop fishing vessels. This document explains the proposed direct assistance program. It does not discuss the training and deployment part of the plan, which will be done under contract.

The proposed direct assistance plan has two goals: (1) To provide a mechanism to get financial assistance as quickly as possible to fishermen most affected by the groundfish collapse, and (2) to involve the industry in fisheries and gear research, thereby providing additional data for the long-term management of the fishery. This program would use a formula for calculating lost fishing opportunities as an indicator of the economic harm caused by the declining groundfish stocks.

NMFS seeks comments on the proposed disaster assistance program.

#### Definitions

*Charter or party boat* means any vessel that carries passengers for hire to engage in recreational fishing.

*Commercial fishing or fishing commercially* means fishing that is intended to, or results in, the barter, trade, transfer, or sale of fish.

*Day(s)-at-Sea (DAS)* means the 24-hour periods of time during which a fishing vessel is absent from port in which the vessel intends to fish for, possess or land, or fishes for, possesses, or lands regulated species.

*Dealer* means any person who receives, for a commercial purpose (other than solely for transport on land), from the owner or operator of a vessel

issued a valid multispecies permit, any species of fish, the harvest of which is managed by 50 CFR part 648.

*Fishing year* means for the NE multispecies fishery, from May 1 through April 30 of the following year.

*Northeast multispecies or multispecies finfish or multispecies* means the following species:

American plaice—*Hippoglossoides platessoides*.

Atlantic cod—*Gadus morhua*.

Haddock—*Melanogrammus aeglefinus*.

Ocean Pout—*Macrozoarces americanus*.

Pollock—*Pollachius virens*.

Redfish—*Sebastes fasciatus*.

Red hake—*Urophycis chuss*.

Silver hake (whiting)—*Merluccius bilinearis*.

White hake—*Urophycis tenuis*.

Windowpane flounder—*Scophthalmus aquosus*.

Winter flounder—*Pleuronectes americanus*.

Witch flounder—*Glyptocephalus cynoglossus*.

Yellowtail flounder—*Pleuronectes ferrugineus*.

*Multispecies permit* means a permit issued by NMFS to fish for, possess, or land multispecies finfish in or from the Exclusive Economic Zone.

*Regulated species* means the subset of NE multispecies that includes Atlantic cod, witch flounder, American plaice, yellowtail flounder, haddock, pollock, winter flounder, windowpane flounder, redfish, and white hake.

#### Compensation for Economic Harm as Measured by Unused Multispecies DAS

The proposed plan is to compensate fishermen for economic harm caused by the fishery collapse, using a calculation of unused multispecies DAS as a proxy for economic harm. Permit holders and crew members would be compensated based on any decrease in multispecies fishing activity in 1999 due to the area closures. The decrease would be calculated by comparing the multispecies days the vessel fished in February through June 1998 and the multispecies days the vessel fished in 1999 during the same closure months. The details of the compensation plan are provided here.

#### Eligibility

Permit holders would be eligible to participate in this program if they hold a currently valid Federal multispecies

permit and landed and sold at least 10,000 lb (4535 kg) of multispecies finfish to federally permitted dealers between May 1, 1997, and April 30, 1998. Verification of the sale would be based only on dealer weigh-out reports submitted to NMFS prior to April 1, 1999.

Party/Charter vessels are not eligible for this program, because they were not technically excluded from fishing in the closed areas under Framework Adjustments 26 and 27.

By law, persons with net annual revenues from commercial fishing of \$2 million or more are also not eligible to receive funds through this program. However, NMFS proposes a different maximum limit of \$75,000 (or \$150,000 if filing a joint tax return) on the net income from commercial fishing that an affected person could have received in 1998 to be eligible for compensation. Comments are requested on whether this limit is appropriate.

Any permit holder whose permit was sanctioned during the February through June 1999 closures cannot qualify for compensation from the period of the sanction.

Permit holders otherwise eligible for compensation who sold their vessels on or after February 1, 1999, would not be eligible to participate in this program. Persons who owned a vessel that held a valid multispecies permit during the 1998–99 fishing year and who purchased a new vessel after February 1, 1999, would be eligible based on the history of the vessel used during 1998.

#### Calculation of Historical Activity

A. For the purposes of this program, NMFS would define "historical activity" as fishing activity during 1998 (or, in some cases, 1997) in the areas listed here that were closed in 1999, excluding the Western Gulf of Maine closed area. NMFS would calculate the historical activity based on the number of DAS fished by each eligible vessel during 1998 in the following months and areas:

February—blocks 124–125

March—blocks 124–125

April—blocks 123–125, 130–133

May—blocks 129–133, 136–140

June—blocks 139–147, 152

Figure 1 shows the areas of these blocks.

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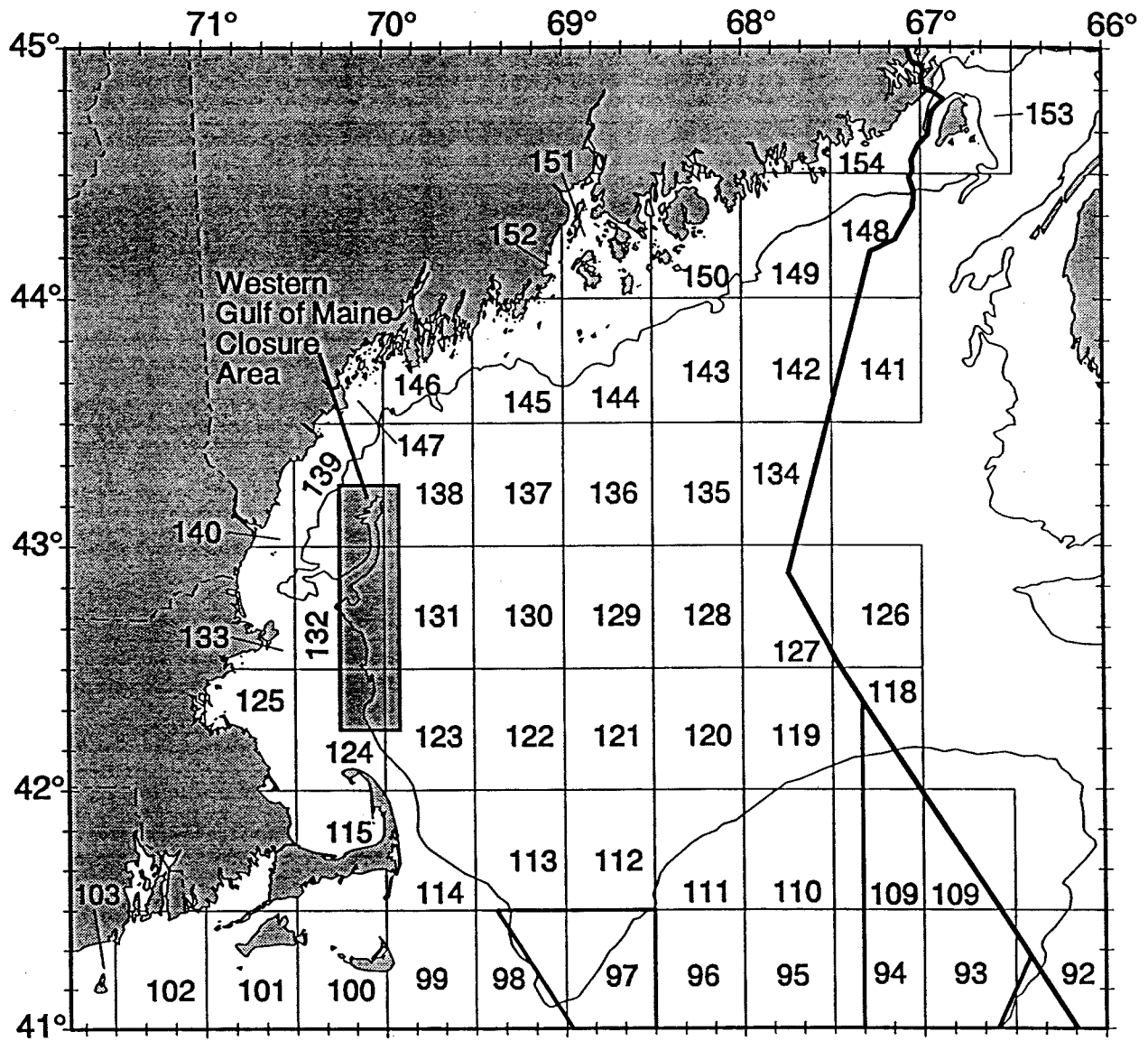


Figure 1. Gulf of Maine area closure reference blocks

Note that in no case would DAS fished in the Western Gulf of Maine Closed Area be considered as historical activity, since that is considered a long-term, year-round closure.

B. There were some closures in March, May and June of 1998. Therefore, if a vessel used no DAS in May or June 1998, NMFS would calculate the number of DAS fished by that vessel in the appropriate areas during the same months of 1997. Some areas were closed from March 1 through March 30, 1998, but not closed on March 31 of that year. Therefore, if a vessel used either no DAS during March 1998 or only fished on March 31 of that year, NMFS would calculate the number of DAS fished by that vessel in the appropriate areas during the same months of 1997.

C. Some persons may have been prevented from fishing in 1998 due to illness or problems with their vessels. NMFS assumes that vessel owners have chosen fishing as their primary activity by virtue of their investment in their boats. Therefore, if there are two consecutive calendar months from February through June 1998 for which a vessel had no record of any fishing activity (e.g., negative reports were submitted for March and April 1998), NMFS would assume that the vessel was prevented from fishing by circumstances beyond the control of the vessel owner. In this circumstance, NMFS would calculate the number of multispecies DAS during those same months in 1997. If the 2-month gap in 1998 fishing activity was due to a permit sanction, however, NMFS would not consider 1997 fishing activity.

D. Calculation of multispecies DAS fished would be made to the nearest hour of fishing time and would then be rounded down to the nearest half day. A permit holder can receive no more compensation for economic harm than the level represented by the number of days of historical activity as calculated using this method.

E. The number of multispecies DAS fished during a fishing year plus the number of unused multispecies DAS for which a vessel receives compensation in that year cannot exceed the total number of multispecies DAS allocated to that vessel for that year.

#### **Documentation Used To Determine Historical Activity**

A. For vessels greater than 30 ft (9.14 m), NMFS would use vessel call-in system reports and vessel trip reports received by NMFS prior to April 1, 1999, to determine when a vessel fished in a 1999 closure area. If a trip was called in but no log report was

submitted, or vice versa, the trip would not be included.

Some vessel trip reports have been submitted with insufficient information to determine whether the vessel fished in the closed areas, although this information is required. Under this proposed plan, the permit holder would not get credit for historical activity on any trips for which the logbooks were not filled out as required. NMFS specifically seeks comments on this provision.

B. For vessels 30 ft (9.14 m) or less, NMFS would base historical activity on vessel trip reports received by NMFS prior to April 1, 1999. (These vessels do not participate in the call in system.) The same problem of logbooks submitted without sufficient geographic information pertains to vessels under 30 ft (9.14 m) as for larger vessels. NMFS proposes to use the same solution for this category as it uses for vessels over 30 ft (9.14 m).

#### **Documentation Used To Determine 1999 Activity**

A. For vessels greater than 30 ft (9.14 m), NMFS would base activity on vessel call-in system reports.

B. For vessels 30 ft (9.14 m) or less, NMFS would base activity on vessel trip reports submitted as of the publication date of this document or, for May and June 1999, by the 15th day following each month. As required by regulations, every vessel trip report, including negative reports, must be submitted within 15 days of the end of each month. Vessels that have not submitted timely reports will not be eligible for compensation for that month. NMFS may compare dealer weigh-out reports and logbooks for May and June to confirm claims that no landings were made when no trip is reported.

#### **Calculation of Economic Harm**

A. For each month in which a vessel has historical activity, NMFS would tally the number of multispecies DAS fished in 1999 in areas that have not been closed. Economic harm would be calculated on a monthly basis as the historical DAS (multispecies DAS fished in the closed areas as described earlier) used that month minus the multispecies DAS used that month in 1999. For example, if a vessel has 10 DAS of historical activity in April 1998 and fished 5 DAS in April 1999, the permit holder and crew would be eligible for compensation for the equivalent of up to 5 DAS. If a vessel has 10 DAS of historical activity in April 1998 and fished 15 DAS outside the closed area in 1999, the permit holder and crew

would not be eligible for compensation for economic harm for that month.

B. Compensation for economic harm would be at a rate of \$1500 for each 24-hour DAS and \$750 for each half DAS. This amount would be decreased to \$900 per DAS if the permit holder does not designate crew to receive compensation. However, persons fishing alone may designate themselves as crew and receive the full compensation. (See Compensation for Crew) These amounts are consistent with NMFS estimates of the average net revenue and crew costs per multispecies DAS per vessel in the areas closed by Framework Adjustment 26.

C. A DAS for which a permit holder receives compensation would be considered a DAS used. For compensation received based on economic harm during the 1998-1999 fishing year (i.e., during the February, March and April 1999 closures), DAS for which a permit holder receives compensation cannot be carried over to the 1999-2000 fishing year. For compensation received based on economic harm during the 1999-2000 fishing year (i.e., during the May and June 1999 closures), DAS for which a permit holder receives compensation would be subtracted from the total allowable DAS for the year. For example, if a permit holder in the fleet DAS category is compensated for 10 DAS not used in June 1999, the total 1999-2000 DAS for the vessel s/he currently owns would be reduced from 88 to 78.

D. The number of DAS for which persons would receive compensation would be based on the total number of requests received by NMFS. No compensation would be paid until all requests are received and processed. Because compensation cannot be released until the universe of applicants is known, and because eligibility and unused DAS are calculated from official records held by NMFS and based on information required to be submitted to NMFS, there would be no appeals of NMFS determinations of eligibility or unused DAS.

E. If the total requests for compensation for economic harm exceed the funds available, the number of DAS for which each person is compensated would be reduced by the same proportion. If reduced, the proportional DAS for which each person is compensated would be rounded down to the nearest half day.

F. If the total requests for compensation for economic harm total less than the funds available, the excess funds would be used to defray costs in

the following cooperative research program.

G. The agreement to participate in research in exchange for compensation through this program is binding. If a permit holder decides to withdraw from the program, he or she must return any compensation to NMFS, which will then be used to defray costs in the cooperative research program.

#### Compensation for Crew Members

NMFS would ask permit holders to identify crew members that have also been harmed by the groundfish collapse and to specify in the application the vessel's share system. Crew members will be compensated a portion of the vessel's total compensation, based on the vessel's share system. An eligible crew member is expected to have worked for the permit holder for at least 6 out of the last 10 months. NMFS will make a direct payment to each identified crew member based on the percentage share specified by the permit holder. It will pay the remainder of the vessel's compensation to the permit holder. Permit holders that do not specify any crew members for compensation would be compensated at a reduced rate of \$900 per DAS. A permit holder fishing alone would designate him/herself as the captain of the vessel, thereby receiving the full \$1500 per DAS discussed above.

#### Research Requirement

Vessels and crew members that receive compensation under this program would be required to participate in research projects for the number of days they were compensated. If NMFS cannot compensate persons at the full level requested, a permit holder's obligation for research would be only for the number of DAS for which compensation is received. Permit holders would not be required to use their allotted fishing DAS for this research. However, if a permit holder intended to land multispecies fish caught during the course of a research day, the permit holder would use a DAS, which would also count as a research day.

The cost of personnel (captain and crew) required to operate the vessel during this research would be borne by the permit holder. This would be a condition of receiving compensation. All other operation costs would be borne by the researcher.

If a permit holder is not asked to provide his/her vessel for research by September 30, 2000, this obligation will cease. Instead, the permit holder would be required to submit the last 5 years of Federal tax returns and complete a

survey of economic and social data needed to better evaluate the impacts of fishery management measures. If this information is not received, the permit holder's DAS for the 2001-2002 fishing year would be reduced by the number of DAS for which he/she was compensated under this program. Note that this provision requires approval from OMB for this collection of information and could not come into effect until NMFS receives such approval.

If the vessel is sold while still under a research obligation, the commitment would transfer with the permit, which automatically transfers with the vessel upon sale, unless there is a purchase and sale agreement stating otherwise. The research requirement would not be voided by the sale of a vessel, unless the permit holder permanently retires the vessel's multispecies permit.

The research would be undertaken at a mutually agreed date before May 1, 2001. If a vessel is requested for research by September 30, 2000, and the research is not conducted before May 1, 2001, the vessel's allowed DAS for fishing year 2001-2002 will be reduced by the number of DAS for which it was committed for research. If crew members are compensated as part of this program and are still with the vessel, they would be expected to serve during the requested research period.

#### Application Process

A. NMFS would determine who is eligible to participate in the program based on dealer weigh-out reports and would calculate the maximum level of direct assistance for which the permit holder would be eligible.

B. NMFS would send letters and a copy of the final **Federal Register** document to all multispecies permit holders explaining the program, informing them whether they qualify to participate and, if so, the maximum amount of economic harm they can claim based on unused DAS. The letter would contain an application form that asks the permit holder to identify the number of eligible DAS for which the holder would seek compensation in exchange for a commitment from the permit holder to make his or her vessel available for research in the future, if requested. The permit holder would be required to identify crew members that should share in the compensation and to inform NMFS of the percentage of available compensation each crew member should get, based on the usual share system of the vessel. Permit holders would have 30 days from the date of mailing to respond to the invitation to participate. A date by

which all responses must be postmarked would be included in the invitation to participate.

C. NMFS will tally the total eligible compensation requested for all applications received by the deadline. If the total eligible compensation requested is less than the funds available, NMFS will approve payment of the requested amounts. If the eligible compensation requested exceeds the funds available, NMFS will approve payment for each permit holder based on a prorated reduction in the number of DAS. The value of a DAS will remain the same, but fewer unused DAS will be compensated in this case. Partial DAS will be rounded downward to the nearest half DAS. Because the total DAS requested cannot be evaluated until the logbooks from the vessels under 30 ft (9.14 m) (which can be submitted up to July 15) have been entered in the NMFS database, compensation under this program should not be expected before September 1999.

D. NMFS will report payments disbursed under this program to the Internal Revenue Service and will issue IRS Form 1099-G to each recipient of compensation for economic harm.

#### Classification

##### *Catalogue of Federal Domestic Assistance*

This program will be listed in the Catalogue of Federal Domestic Assistance under number 11.452 (Unallied Industry Projects).

##### *National Environmental Policy Act*

NMFS will conduct an Environmental Assessment of this program prior to publication of the final rule. Comments on the potential impacts of this program on the quality of the human environment are requested.

##### *Regulatory Flexibility Act*

NMFS has conducted an initial regulatory flexibility review for this action, which is included here. The action is being taken as a result of concern about the economic impact of the declining groundfish stocks in the Gulf of Maine. The objective of the program is to compensate persons in the Northeast multispecies fishery who have incurred losses from a commercial fishing failure. The program to compensate fishermen for economic harm would be open to permit holders of a currently valid Northeast multispecies permit who landed 10,000 lb (4535 kg) of multispecies fish between May 1, 1997, and April 30, 1998, as recorded by dealer weigh-out reports. NMFS estimates fewer than 500

permit holders would qualify for compensation by having landed 10,000 lb (4535 kg) of multispecies fish and having historical activity in the areas closed in 1999. Assuming that on average, each permit holder employed one other crew member, there might be 1000 persons able to participate in this program.

The reporting or record-keeping requirements for this program include an initial form to indicate willingness to participate in the program. The form would also allow permit holders to identify crew members that should share in the compensation. The program would also require permit holders to provide the services of their vessels, if asked, for future research at a mutually agreed date and time, not to exceed 2 years in the future. The permit holders would be expected to cover the costs of captain and crew needed to operate the vessel during this research, which is estimated to be \$700 on average. The other costs of operating the vessel would be covered by the researcher. Participation in the compensation program would be voluntary, and persons would not be expected to participate unless it was economically beneficial to do so. Permit holders would be expected to keep a record of the number of days they engaged in cooperative research. In addition, if a permit holder is not asked to engage in research by September 30, 2000, the proposed program calls for permit holders to submit 5 years of Federal income tax forms and to complete a survey of economic and social concerns instead, provided OMB approves this collection of information. Fishermen who have not kept copies of their tax returns would need to request copies from the IRS at a cost of \$23.00 per return.

There are no Federal rules that duplicate, overlap, or conflict with the proposed action.

In providing assistance to alleviate the economic harm caused by the fishery decline, any significant economic impacts of this program are expected to be positive and are intentional. Therefore, NMFS has not considered alternatives that would minimize any significant economic impacts.

#### *E.O. 12866*

This proposed program has been determined to be significant for the purposes of E.O. 12866.

#### *Paperwork Reduction Act (PRA)*

This proposed program contains a collection-of-information requirement subject to review and approval by OMB under the PRA. An emergency clearance

for the collection of information required to disburse these funds is being sought from OMB. This is a one-time collection of information. There would be no annual information collection burden. If NMFS continues this program, it will seek additional clearance for any required collection of information.

Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB control number.

Public reporting burden for this collection of information is estimated at 1.5 hours per response, to submit a form indicating willingness to participate in the program. This estimate includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Public comment is sought regarding: whether this proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the burden estimate; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collection of information, including through the use of automated collection techniques or other forms of information technology. Send comments on these or any other aspects of the collection of information to NMFS and OMB (see ADDRESSES).

#### *Federal Policies and Procedures*

Recipients of Federal assistance through this program are subject to all Federal laws and Federal and Department of Commerce (Commerce) policies, regulations, and procedures applicable to Federal financial assistance awards and must comply with general provisions that apply to all recipients under Commerce Federal assistance programs.

#### *False Statements*

A false statement on the application or any document submitted for consideration of financial assistance is grounds for denial or termination of funds and grounds for possible punishment by a fine or imprisonment (18 U.S.C. 1001).

#### *Delinquent Federal Debts*

No award of Federal funds shall be made if the would-be recipient has an outstanding delinquent Federal debt or fine until either: (a) the delinquent account is paid in full; (b) a negotiated repayment schedule is established and at least one payment is received; or, (c) other arrangements satisfactory to Commerce are made.

#### *Internal Revenue Service (IRS) Information*

An applicant classified for tax purposes as an individual, partnership, proprietorship, corporation, or medical corporation is required to submit a taxpayer identification number (TIN) (either social security number, employer identification number as applicable, or registered foreign organization number) on Form W-9, "Payer's Request for Taxpayer Identification Number." Tax-exempt organizations and corporations (with the exception of medical corporations) are excluded from this requirement. Form W-9 shall be submitted to NOAA upon application for assistance. The TIN will be provided to the IRS by Commerce on Form 1099-G, "Statement for Recipients of Certain Government Payments."

Disclosure of a recipient's TIN is mandatory for Federal income tax reporting purposes under the authority of 26 U.S.C., section 6011 and 6109(d), and 26 CFR, 301.6109-1. This is to ensure the accuracy of income computation by the IRS. This information will be used to identify an individual who is compensated with Commerce funds or paid interest under the Prompt Payment Act.

#### *Name Check*

Recipients may be subject to a name check review process. Name checks are intended to reveal if they or any key individuals associated with an application for award have been convicted of, or are presently facing, criminal charges such as fraud, theft, perjury, or other matters that significantly reflect on their management, honesty, or financial integrity. In the name check process, Commerce performs a credit check on businesses and individuals. A criminal background check on an individual's name is performed by the Federal Bureau of Investigation. There is no charge to recipients for the name check.

#### *Audits*

Under the Inspector General Act of 1978, as amended, 5 U.S.C. App. 3, section 1 *et seq.*, an audit of the award of assistance may be conducted at any time. The Inspector General of

Commerce, or any of his or her duly authorized representatives, shall have access to any pertinent books, documents, papers and records of the recipient, whether written, printed, recorded, produced or reproduced by any mechanical, magnetic or other process or medium, in order to make audits, inspections, excerpts, transcripts or other examinations as authorized by law. When the Office of the Inspector General (OIG) requires an audit on a Commerce award, the OIG will usually make the arrangements to audit the award, whether the audit is performed by OIG personnel, an independent accountant under contract with Commerce, or any other Federal, state or local audit entity.

#### *Government-Wide Debarment and Suspension*

You must submit a completed Form CD-511, "Certification Regarding Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements and Lobbying." Prospective participants (as defined at 15 CFR 26.105) are subject to 15 CFR part 26, "Non-procurement Debarment and Suspension" and the related section of the certification form prescribed here applies.

Dated: June 4, 1999.

**Andrew J. Kemmerer,**

*Acting Assistant Administrator, National Marine Fisheries Service.*

[FR Doc. 99-14788 Filed 6-10-99; 8:45 am]

BILLING CODE 3510-22-P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 021699A]

#### **Small Takes of Marine Mammals Incidental to Specified Activities; Seismic Hazards Investigation in Southern California**

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

**ACTION:** Notice of issuance of an incidental harassment authorization.

**SUMMARY:** In accordance with provisions of the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that an Incidental Harassment Authorization (IHA) to take small numbers of marine mammals by harassment incidental to collecting marine seismic-reflection data offshore from southern California has been

issued to the U.S. Geological Survey (USGS).

**DATES:** This authorization is effective from June 3, 1999, through July 31, 1999.

**ADDRESSES:** A copy of the application may be obtained by writing to Donna Wieting, Acting Chief, Marine Mammal Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910-3225, or by telephoning one of the contacts listed here.

**FOR FURTHER INFORMATION CONTACT:** Kenneth R. Hollingshead, NMFS, (301) 713-2055, or Christina Fahy, NMFS, 562-980-4023.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) directs the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

Permission may be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses and that the permissible methods of taking and requirements pertaining to the monitoring and reporting of such takings are set forth. NMFS has defined "negligible impact" in 50 CFR 216.103 as "...an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival."

Subsection 101(a)(5)(D) of the MMPA established an expedited process by which citizens of the United States can apply for an authorization to incidentally take small numbers of marine mammals by harassment. The MMPA now defines "harassment" as:

...any act of pursuit, torment, or annoyance which

(a) has the potential to injure a marine mammal or marine mammal stock in the wild; or (b) has the

potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral

patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering.

Subsection 101(a)(5)(D) establishes a 45-day time limit for NMFS review of an application followed by a 30-day public notice and comment period on any proposed authorizations for the incidental harassment of small numbers of marine mammals. Within 45 days of the close of the comment period, NMFS must either issue or deny issuance of the authorization.

#### **Summary of Request**

On January 15, 1999, NMFS received a request from the USGS for authorization to take small numbers of several species of marine mammals by harassment incidental to collecting marine seismic-reflection data offshore from southern California. Seismic data was planned to be collected during a 2-week period between May and July 1999 to support studies of the regional landslide and earthquake hazards and to understand how saltwater invades coastal aquifers. A revised request was received on February 11, 1999.

#### *Background*

The USGS proposes to conduct a high-resolution seismic survey offshore from Southern California to investigate (1) the hazards posed by landslides and potential earthquake faults in the nearshore region from Santa Barbara to San Diego and (2) the invasion of seawater into freshwater aquifers that are critical to the water supply for people within the Los Angeles-San Pedro area. Both of these tasks are multi-year efforts that require using a small airgun.

Coastal Southern California is the most highly populated urban area along the U.S. Pacific coast. The primary objective of the USGS research is to provide information to help mitigate the earthquake threat to this area. The USGS emphasizes that the goal is not earthquake prediction but rather an assistance in determining what steps might be taken to minimize the devastation should a large quake occur. The regional earthquake threat is known to be high, and a major earthquake could adversely affect the well being of a large number of people.

Important geologic information that the USGS will derive from this project's seismic-reflection data concerns how earthquake deformation is distributed offshore; that is, where the active faults are and what the history of movement along them has been. This should improve understanding of the shifting pattern of deformation that occurred