

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 971208298-8055-02; I.D. 111698B]

Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Eastern Aleutian District and Bering Sea subarea of the Bering Sea and Aleutian Islands.

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

ACTION: Modification of a closure.

SUMMARY: NMFS is opening directed fishing for Atka mackerel for 24 hours in the Eastern Aleutian District and Bering Sea subarea of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to fully utilize the 1998 total allowable catch (TAC) of Atka mackerel in this area.

DATES: Effective 1200 hours, Alaska local time (A.l.t.), November 18, 1998, until 1200 hours, November 19, 1998.

FOR FURTHER INFORMATION CONTACT: Andrew Smoker, 907-586-7228.

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

Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and CFR part 679.

The 1998 TAC of Atka mackerel for the Eastern Aleutian District and Bering Sea subarea was established by Final 1998 Harvest Specifications of Groundfish for the BSAI (63 FR 12689, March 16, 1998) as 13,782 metric tons (mt). See § 679.20(c)(3)(iii).

The fishery for Atka mackerel in the Eastern Aleutian District and Bering Sea subarea was closed to directed fishing under § 679.20(d)(1)(iii) on February 2, 1998, under the 1998 interim specifications (63 FR 6110, February 6, 1998). On March 16, 1998, NMFS published 1998 final specifications and set aside the remaining Atka mackerel TAC in order to reserve amounts anticipated to be needed for incidental catch in other fisheries (63 FR 12689, March 16, 1998; 63 FR 12698, March 16, 1998).

The Acting Administrator, Alaska Region, NMFS (Acting Regional Administrator) established a directed fishing allowance of 13,682 mt, and set aside the remaining 100 mt as bycatch to support other anticipated groundfish fisheries (63 FR 12689, March 16, 1998).

NMFS has determined that as of October 31, 1998, 2,400 mt remain in the directed fishing allowance. Therefore, NMFS is terminating the previous closure and is opening directed fishing for Atka mackerel in the

Eastern Aleutian District and Bering Sea subarea.

In accordance with § 679.20(d)(1)(iii), the Acting Regional Administrator finds that this directed fishing allowance will soon be reached. Therefore, NMFS is prohibiting directed fishing for Atka mackerel in the Eastern Aleutian District and Bering Sea subarea at 12 noon, A.l.t., November 19, 1998.

Classification

All other closures remain in full force and effect. This action responds to the best available information recently obtained from the fishery. It must be implemented immediately in order to allow full utilization of the Atka mackerel TAC. Providing prior notice and opportunity for public comment for this action is impracticable and contrary to the public interest. Further delay would only disrupt the FMP objective of providing the Atka mackerel TAC for harvest. NMFS finds for good cause that the implementation of this action cannot be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

This action is required by § 679.20 and is exempt from review under E.O. 12866.

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

Dated November 18, 1998.

Richard W. Surdi,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
[FR Doc. 98-31273 Filed 11-18-98; 4:27 pm]

BILLING CODE 3510-22-F