

captive individuals are unavailable, and that wild populations can sustain limited taking, and an import permit is issued under § 17.22;

(v) Any permanent exports of such specimens meet the requirements of paragraph (g)(4) of this section; and

(vi) Each person claiming the benefit of the exception in paragraph (g)(1) of this section must maintain accurate written records of activities, including births, deaths and transfers of specimens, and make those records accessible to Service agents for inspection at reasonable hours as set forth in §§ 13.46 and 13.47.

Dated: May 26, 1998.

Donald J. Barry,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 98-24384 Filed 9-10-98; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 285

[I.D. 090498A]

Atlantic Tuna Fisheries; Atlantic Bluefin Tuna; Closure

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

ACTION: General category closure.

SUMMARY: NMFS has determined that the 1998 Atlantic bluefin tuna (BFT) General category subquota for the September period will be attained by September 8, 1998. Therefore, General category fishery for September will be closed effective 11:30 p.m. on September 8, 1998. This action is being taken to prevent overharvest of the adjusted subquota of 201 metric tons (mt) for the September period.

DATES: Effective 11:30 p.m. local time on September 8, 1998, through September 30, 1998.

FOR FURTHER INFORMATION CONTACT: Sarah McLaughlin, 301-713-2347, or Pat Scida, 978-281-9260.

SUPPLEMENTARY INFORMATION: Regulations implemented under the authority of the Atlantic Tunas Convention Act (16 U.S.C. 971 *et seq.*) governing the harvest of BFT by persons and vessels subject to U.S. jurisdiction are found at 50 CFR part 285. Section 285.22 subdivides the U.S. quota recommended by the International Commission for the Conservation of

Atlantic Tunas among the various domestic fishing categories.

General Category Closure

NMFS is required, under § 285.20(b)(1), to monitor the catch and landing statistics and, on the basis of these statistics, to project a date when the catch of BFT will equal the quota and publish a **Federal Register** announcement to close the applicable fishery.

Implementing regulations for the Atlantic tuna fisheries at 50 CFR 285.22 provide for a subquota of 194 mt of large medium and giant BFT to be harvested from the regulatory area by vessels permitted in the General category during the period beginning September 1 and ending September 30. Due to an underharvest of 7 mt in the June-August period subquota, the September period subquota was adjusted to 201 mt. Based on reported catch and effort, NMFS projects that this revised subquota will be reached by September 8, 1998. Therefore, fishing for, retaining, possessing, or landing large medium or giant BFT by vessels in the General category must cease at 11:30 p.m. local time September 8, 1998. The General category will reopen October 1, 1998, with a quota of 65 mt for the October-December period. If necessary, the October-December subquota will be adjusted based on actual landings from September. While the General category is open, General category permit holders are restricted from all BFT fishing, including tag-and-release fishing, on restricted-fishing days. However, for the remainder of September, previously designated restricted-fishing days are waived; therefore, General category permit holders may tag and release BFT while the General category is closed prior to the October 1 opening, subject to the requirements of the tag and release program at 50 CFR 285.27.

The intent of this closure is to prevent overharvest of the September period subquota established for the General category.

Classification

This action is taken under 50 CFR 285.20(b) and 50 CFR 285.22 and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 971 *et seq.*

Dated: September 4, 1998.

Richard W. Surdi,

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

[FR Doc. 98-24405 Filed 9-8-98; 2:00 pm]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 980903229-8229-01; I.D. 051898A]

RIN 0648-AK73

Fisheries of the Exclusive Economic Zone Off Alaska; Stand Down Requirements for Trawl Catcher Vessels Transiting Between the Bering Sea and the Gulf of Alaska

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

ACTION: Final rule.

SUMMARY: NMFS issues regulations to implement a stand down requirement for trawl catcher vessels transiting between the Bering Sea and Aleutian Islands Management Area (BSAI) and Gulf of Alaska (GOA). This action is necessary to prevent unexpected shifts of fishing effort between BSAI and GOA fisheries that can lead to overharvests of total allowable catch (TAC) in the Western and Central (W/C) Regulatory Areas of the GOA. This action is intended to further the goals and objectives of the Fishery Management Plan for Groundfish of the Gulf of Alaska and the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMPs).

DATES: Effective September 8, 1998.

ADDRESSES: Copies of the Environmental Assessment/Regulatory Impact Review/Final Regulatory Flexibility Analysis (EA/RIR/FRFA) prepared for this action are available from the Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802, Attn: Lori J. Gravel, or by calling the Alaska Region, NMFS, at 907-586-7228.

FOR FURTHER INFORMATION CONTACT: Kent Lind, 907-586-7228 or kent.lind@noaa.gov.

SUPPLEMENTARY INFORMATION: The groundfish fisheries off Alaska are managed by NMFS under the FMPs. The FMPs were prepared by the North Pacific Fishery Management Council (Council) under the Magnuson-Stevens Fishery Conservation and Management Act. Federal regulations governing the groundfish fisheries appear at 50 CFR parts 600 and 679.

Background and Need for Action

In recent years, management of the inshore pollock and Pacific cod fisheries

of the W/C Regulatory Areas of the GOA has become increasingly difficult. The risk of harvest overruns has grown due to TAC amounts that are small relative to the potential fishing effort. The problem has been most acute in the Western Regulatory Area of the GOA due to the constant potential that numerous large catcher vessels based in the Bering Sea could cross into the GOA to participate in pollock and Pacific cod openings that have relatively small TACs. NMFS currently lacks a preseason vessel registration program that could gauge potential effort in these fisheries prior to openings, and inseason catch information in these fisheries is neither timely nor accurate enough to allow adequate management.

At its February 1998 meeting, the Council recommended two distinct management solutions to respond to the difficulties associated with managing the pollock and Pacific cod fisheries of the W/C Regulatory Areas. The first solution was a stand down requirement that is contained in this final rule. Trawl catcher vessels transiting between the BSAI and GOA would be required to offload and refrain from fishing for a period of time before beginning fishing in the new area. The second solution, currently under development by NMFS, is a vessel registration program that would require vessels to register with NMFS in advance of entering certain critical fisheries. Both of these programs are described in detail in the EA/RIR/FRFA prepared for this action.

On July 21, 1998, NMFS published a proposed rule in the **Federal Register** (63 FR 39065) to implement the Council's recommended stand down requirement for trawl catcher vessels transiting between the BSAI and GOA. Comments on the proposed rule were invited through August 20, 1998. No comments were received by the end of the comment period. The following is a summary of the major elements of the final rule. One clarifying change was made from the proposed rule.

This final rule establishes a stand down requirement for all trawl catcher vessels transiting between the BSAI and GOA that is in effect when non-CDQ pollock or Pacific cod fisheries are open in the BSAI or GOA. Vessels leaving the BSAI to fish in the GOA are required to offload all fish caught in the BSAI and are prohibited from deploying trawl gear in the W/C Regulatory Areas of the GOA until 1200 hours A.I.t. on the third day after the date that offloading was completed. Vessels transiting from the Western Regulatory Area to the BSAI are

subject to the same 3-day stand down requirement. However, vessels transiting from the Central Regulatory Area to the BSAI are subject to a 2-day stand down period. Further justification of the stand down requirement implemented by this final rule is contained in the preamble to the proposed rule and in the EA/RIR/FRFA prepared for this action.

Changes from the Proposed Rule

In the final rule, the table at § 679.23(h) was revised to specify that the stand down requirements do not apply to vessels engaged in Community Development Quota (CDQ) fishing in the BSAI. The proposed rule did not specifically mention whether the stand down requirements apply to vessels engaged in CDQ fishing. Vessels fishing under a CDQ management system use an individual vessel quota monitoring system. Consequently, a stand down requirement is unnecessary to prevent overharvest. The Council intended that this action apply only to open access fishing for pollock and Atka mackerel. There was no intent that it apply to vessels fishing under a CDQ management system.

Classification

This final rule has been determined to be not significant for the purposes of E.O. 12866.

NMFS prepared a final regulatory flexibility analysis that consists of the EA/RIR/FRFA and the preambles to the proposed and final rules. A copy of the EA/RIR/FRFA is available from NMFS (see ADDRESSES).

The FRFA concluded that the stand down requirement will affect an estimated 275 trawl catcher vessels fishing for groundfish in the GOA and BSAI, all of which are considered small entities, because it would restrict their ability to make rapid transits between the BSAI and GOA groundfish fisheries. Managing pollock and Pacific cod fisheries in the GOA has become increasingly difficult due to the potential for large catcher vessels based in the BSAI to participate in pollock and Pacific cod openings in the GOA that have relatively small TACs and risk harvest overruns. Ten to 15 catcher vessels, believed to be based in the BSAI, made rapid transits from one area to another in 1997. NMFS cannot calculate how many such vessels might transit in 1998, but the possibility exists that more than 10-15 catcher vessels could participate in GOA pollock and Pacific cod fisheries and risk harvest

overruns. NMFS projects that the stand down requirement could result in the foregone harvest of pollock to BSAI-based catcher vessels, which could exceed the estimated 7,663 mt of pollock harvested in 1997 by these vessels. NMFS cannot calculate this action's impact on the affected vessels, but the possibility exists that it could result in losses of 5 percent or more of these vessels' gross revenues and/or increase the costs of production by more than 5 percent.

No entities are expected to be forced out of business as a result of this action. Nevertheless, based on NMFS threshold guidelines, this action could result in a significant economic impact on a substantial number of small entities. A discussion of the regulatory alternatives and steps taken to minimize the significant economic impacts of this action are included in the EA/RIR/FRFA. No comments were received regarding this conclusion.

The immediate effectiveness of this action is required to prevent possible harvest overruns during the third pollock season in the W/C Regulatory Areas of the GOA, which opened on September 1. Accordingly, the Assistant Administrator for Fisheries, NOAA finds there is good cause to waive the 30-day delayed effectiveness period for this action under 5 U.S.C. 553(d)(3).

List of Subjects in 50 CFR Part 679

Alaska, Fisheries, Reporting and recordkeeping requirements.

Dated: September 4, 1998.

Roland A. Schmitt,
Assistant Administrator for Fisheries,
National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 679 is amended as follows:

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

1. The authority citation for part 679 continues to read as follows:

Authority: 773 *et seq.*, 16 U.S.C. 1801 *et seq.*, and 3631 *et seq.*

2. In § 679.23 a new paragraph (h) is added to read as follows:

§ 679.23 Seasons.

* * * * *

(h) *Stand down requirements for trawl catcher vessels transiting between the BSAI and GOA.*

If you own or operate a catcher vessel and fish for groundfish with trawl gear in the* * *	You are prohibited from subsequently deploying trawl gear in the* * *	Until* * *
(1) BSAI while pollock or Pacific cod is open to directed fishing in the BSAI.	Western and Central Regulatory Areas of the GOA.	1200 hours A.I.t. on the third day after the date of landing or transfer of all groundfish on board the vessel harvested in the BSAI, unless you are engaged in directed fishing for Pacific cod in the GOA for processing by the offshore component.
(2) Western Regulatory Area of the GOA while pollock or inshore Pacific cod is open to directed fishing in the Western Regulatory Area of the GOA.	BSAI	1200 hours A.I.t. on the third day after the date of landing or transfer of all groundfish on board the vessel harvested in the Western Regulatory Area of the GOA, unless you are participating in a CDQ fishery.
(3) Central Regulatory Area of the GOA while pollock or inshore Pacific cod is open to directed fishing in the Central Regulatory Area of the GOA.	BSAI	1200 hours A.I.t. on the second day after the date of landing or transfer of all groundfish on board the vessel harvested in the Central Regulatory Area of the GOA, unless you are participating in a CDQ fishery.

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