

lat. was not required until the 1997 fishing year; therefore, past fishing effort is difficult to estimate. However, limited logbook data from 1996 and 1997 indicate that a significant increase in landings may be expected during February and March. Accounting for delayed reporting (based on experience in closures of the North Atlantic swordfish fishery) and the anticipated levels of harvest due to the closure of the North Atlantic swordfish fishery and previous harvest levels, it is expected that the second semiannual South Atlantic harvest quota will be reached on or about April 15, 1998. The estimate is conservative to reduce the risk of exceeding U.S. swordfish quotas, which could invoke ICCAT penalties. Therefore, NMFS announces that the directed South Atlantic swordfish fishery will close at 6 p.m., local time, on April 15, 1998. All swordfish must be offloaded by the time of the closure.

Incidental Catch Limits

The annual quota for the North Atlantic incidental swordfish fishery is 300 mt dw. The incidental quota is needed to allow for incidental landings of swordfish with commercial fishing gears during the closure of the North Atlantic swordfish fishery. After the closure, only up to 15 swordfish can be possessed if taken incidentally when fishing with longline gear for other pelagic fish species, until the incidental quota is reached.

Delayed Offloading Pilot Program

On January 23, 1998, NMFS issued a letter to all permit holders and sent a notice via the Highly Migratory Species (HMS) fax network announcing a pilot program to allow for delayed offloading. Vessel owners who wish to participate in the NMFS delayed offloading pilot program must contact NMFS (see **FOR FURTHER INFORMATION CONTACT**) at least 7 days prior to the directed fishery closure to obtain an exempted fishing permit (EFP). Vessels maintaining a Vessel Monitoring System (VMS) on board and complying with the terms of the EFP may offload swordfish at any time after the closure, provided they do not fish for any species during that time.

This closure announcement provides more than the minimum 14-day advance notice of closure required by regulation. To provide advance notice of the closure as early as possible, NMFS issued a notice to the industry on January 23, 1998, that, based on the landings at that time, a closure was anticipated about mid-March, 1998. This advance notice period will allow swordfish vessel owners to plan their fishing, offloading, and sale of

swordfish catch prior to the date of closure. It will also allow swordfish vessel owners to obtain a VMS and apply for an EFP to be eligible for delayed offloading.

All fishery management actions are announced by publication in the **Federal Register**. In addition, announcements are made on the HMS FAX Network, on the HMS Information Line (301-713-1279), and over NOAA Weather and Coast Guard radio channels.

Classification

This action is taken under 50 CFR 630.24 and 50 CFR 630.25(a) and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 971 *et seq.* and 1801 *et seq.*

Dated: March 10, 1998.

Gary C. Matlock,

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

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 971208297-8054-02; I.D. 031098A]

Fisheries of the Economic Exclusive Zone Off Alaska; Deep-water Species Fishery by Vessels using Trawl Gear in the Gulf of Alaska

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

ACTION: Closure.

SUMMARY: NMFS is prohibiting directed fishing for species that comprise the deep-water species fishery by vessels using trawl gear in the Gulf of Alaska (GOA). This action is necessary because the first seasonal bycatch allowance of Pacific halibut apportioned to the deep-water species fishery in the GOA has been caught.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), March 10, 1998, until 1200 hrs, A.l.t., April 1, 1998.

FOR FURTHER INFORMATION CONTACT: Mary Furuness, 907-586-7447.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the GOA exclusive economic zone is managed by NMFS according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North

Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at subpart H of 50 CFR part 600 and 50 CFR part 679.

The prohibited species bycatch allowance of Pacific halibut for the GOA trawl deep-water species fishery, which is defined at § 679.21(d)(3)(iii)(B), was established by the Final 1998 Harvest Specifications of Groundfish for the GOA (published on March 12, 1998) for the first season, the period January 20, 1998, through March 31, 1998, as 100 mt.

In accordance with § 679.21(d)(7)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the first seasonal apportionment of the 1998 Pacific halibut bycatch allowance specified for the trawl deep-water species fishery in the GOA has been caught. Consequently, NMFS is prohibiting directed fishing for the deep-water species fishery by vessels using trawl gear in the GOA. The species and species groups that comprise the deep-water species fishery are: all rockfish of the genera *Sebastes* and *Sebastolobus*, deep water flatfish, Rex sole, arrowtooth flounder, and sablefish.

Maximum retainable bycatch amounts may be found in the regulations at § 679.20(e) and (f).

Classification

This action responds to the best available information recently obtained from the fishery. It must be implemented immediately in order to prevent overharvesting the first seasonal apportionment of the 1998 Pacific halibut bycatch allowance specified for the trawl deep-water species fishery in the GOA. A delay in the effective date is impracticable and contrary to the public interest. The first seasonal bycatch allowance of Pacific halibut apportioned to the deep-water species fishery in the GOA has been caught. Further delay would only result in overharvest which would disrupt the FMP's objective of apportioning Pacific halibut bycatch allowances throughout the year. NMFS finds for good cause that the implementation of this action can not 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 § 679.21 and is exempt from review under E.O. 12866.

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

Dated: March 10, 1998

Bruce C. Morehead,

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

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 971208298-8055-02; I.D. 112097B]

Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands; Final 1998 Harvest Specifications for Groundfish

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

ACTION: Final 1998 specifications for groundfish and associated management measures; apportionment of reserves.

SUMMARY: NMFS announces final 1998 harvest specifications, prohibited species bycatch allowances, and associated management measures for the groundfish fishery of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to establish harvest limits and associated management measures for groundfish during the 1998 fishing year. The intended effect of this action is to conserve and manage the groundfish resources in the BSAI.

DATES: The final 1998 harvest specifications and associated apportionment of reserves are effective at 1200 hrs, Alaska local time (A.l.t.), March 11, 1998 through 2400 hrs, A.l.t., December 31, 1998. Comments on the apportionment of reserves must be submitted by March 31, 1998.

ADDRESSES: The final Environmental Assessment (EA) and Final Regulatory Flexibility Analysis prepared for the 1998 Total Allowable Catch Specifications may be obtained from the Sustainable Fisheries Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802-1668, Attn: Lori Gravel, or by calling 907-586-7229. Comments on the apportionment of reserves may be sent to Sue Salvesson, Assistant Regional Administrator for Sustainable Fisheries, at the same address. The final 1998 Stock Assessment and Fishery Evaluation (SAFE) Report, dated November 1997, is available from the North Pacific Fishery Management Council, West 4th Avenue, Suite 306,

Anchorage, AK 99510-2252 (907-271-2809).

FOR FURTHER INFORMATION CONTACT:

Alan Kinsolving, 907-586-7228.

SUPPLEMENTARY INFORMATION:

Background

Groundfish fisheries in the BSAI are governed by Federal regulations at 50 CFR part 679 that implement the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Island Area (FMP). The FMP was prepared by the North Pacific Fishery Management Council (Council) and approved by NMFS under the Magnuson-Stevens Fishery Conservation and Management Act.

The FMP and implementing regulations require NMFS, after consultation with the Council, to specify annually the total allowable catch (TAC) for each target species and the "other species" category, the sum of which must be within the optimum yield (OY) range of 1.4 million to 2.0 million metric tons (mt) (§ 679.20(a)(1)(i)). Regulations under § 679.20(c)(1) further require NMFS to publish annually and solicit public comment on proposed annual TACs, prohibited species catch (PSC) allowances, seasonal allowances of the pollock TAC, and amounts for the Community Development Quota (CDQ) and Prohibited Species Quota (PSQ) reserves. The final specifications set forth in Tables 1 through 7 of this action satisfy these requirements. For 1998, the sum of the TAC is 2 million mt.

The proposed BSAI groundfish specifications and specifications for prohibited species bycatch allowances for the groundfish fishery of the BSAI were published in the **Federal Register** on December 15, 1997 (62 FR 65638), and corrected on December 17, 1997 (62 FR 67041). Comments were invited through January 14, 1998. Five comments were received and are summarized and responded under in the Response to Comments section. Public consultation with the Council occurred during the December 1997 Council meeting in Anchorage, AK. After considering public comments received, as well as biological and economic data that were available at the Council's December meeting, NMFS is implementing the final 1998 specifications as recommended by the Council.

Regulations at § 679.20(c)(2)(ii) require that one-fourth of each proposed initial TAC (ITAC) amount and apportionment thereof, one-fourth of each proposed PSC allowance established under § 679.21, and the first

seasonal allowances of pollock become available at 0001 hours Alaska local time (A.l.t.), January 1, on an interim basis and remain in effect until superseded by the final specifications. Regulations at § 679.20(c)(2)(ii) do not provide for an interim specification either for sablefish CDQ reserve or for sablefish managed under the Individual Fishing Quota management plan. NMFS published the interim 1998 specifications in the **Federal Register** on December 15, 1997 (62 FR 65626). The final 1998 groundfish harvest specifications and prohibited species bycatch allowances contained in this action supersede the interim 1998 specifications.

Acceptable Biological Catch (ABC) and TAC Specifications

The specified ABC and TAC for each species are based on the best available biological and socioeconomic information. The Council, its Advisory Panel (AP), and its Scientific and Statistical Committee (SSC) reviewed current biological information about the condition of groundfish stocks in the BSAI at their September and December 1997 meetings. This information was compiled by the Council's BSAI Groundfish Plan Team (Plan Team) and is presented in the final 1998 SAFE report for the BSAI groundfish fisheries, dated November 1997. The SAFE report, produced annually by the Plan Team, reviews the latest scientific analyses and estimates of each species' biomass and of other biological parameters, as well as summaries of the available information on the BSAI ecosystem and the economic condition of groundfish fisheries off Alaska. From these data and analyses, the Plan Team estimates an ABC for each species or species category.

The ABC amounts adopted by the Council for the 1998 fishing year are based on the best available scientific information, including projected biomass trends, information on assumed distribution of stock biomass, and revised technical methods used to calculate stock biomass. In general, the development of ABC and overfishing levels involves sophisticated statistical analyses of fish populations and is based on a successive series of six levels, or tiers, of reliable information available to fishery scientists. Details of the Plan Team's recommendations for 1998 overfishing and ABC amounts for each species are provided in the final 1998 SAFE report.

At its September 1997 meeting, the SSC, AP, and Council reviewed the Plan Team's preliminary recommendations for the 1998 proposed ABC amounts.