

that it would provide economic relief, while reducing the incidence of regulatory discards for vessels fishing in the Cultivator Shoal Whiting Fishery Exemption Area.

Based on the analysis of the available data regarding regulated species bycatch for the gear, area, and time periods specified for the Cultivator Shoal Whiting Fishery Exemption Area, and for any other relevant factors, the Regional Administrator has determined that the request to add herring to the list of species that may be retained incidental to whiting in the Cultivator Shoal Whiting Fishery Exemption Area meets the exemption requirements specified in § 648.80(a)(7).

This rule allows vessels fishing in the existing Cultivator Shoal Whiting Fishery Exemption Area under the exemption to retain an incidental catch of herring, in addition to an incidental catch of the species already listed in § 648.80(a)(4)(i)(A). Based on the analysis, a directed bottom trawl fishery is not likely to occur, and, thus, no catch limits on the amount of herring to be retained are imposed by this rule.

Classification

The Assistant Administrator for Fisheries, NOAA (AA), finds there is good cause to waive prior notice and opportunity for comment under 5 U.S.C. 553(b)(B). Provisions under the FMP give the Regional Administrator authority to add, delete, or modify exempted fisheries based on the percentage of regulated species caught. Public meetings held by the Council to discuss this modification to the Cultivator Shoal Whiting Fishery Exemption Area, provided prior notice and opportunity for public comment to be made and considered, making additional opportunity for public comment unnecessary.

The AA also waives the 30-day delay in effectiveness of this regulation under 5 U.S.C. 553(d)(1) because this rule relieves a restriction.

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 (PRA) unless that collection of information displays a currently valid OMB control number.

This rule restates an information collection requirement subject to the PRA that has been approved by the OMB under control number 0648-0202. The estimated response time for a request for a Cultivator Shoal Whiting Fishery Certificate is estimated to take 2 minutes per call.

This estimated response time includes the time needed for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of the collection of information, including suggestions for reducing the burden, to NMFS and to OMB (see ADDRESSES).

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

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: August 24, 1998.

Rolland A. Schmitten,

*Assistant Administrator for Fisheries,
National Marine Fisheries Service.*

For the reasons set out in the preamble, 50 CFR part 648 is amended as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

1. The authority citation for part 648 continues to read as follows:

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

2. In § 648.80, paragraph (a)(4)(i)(A) is revised as follows:

§ 648.80 Regulated mesh areas and restrictions on gear and methods of fishing.

* * * * *

(a) * * *

(4) * * *

(i) * * *

(A) A vessel fishing in the Cultivator Shoal Whiting Fishery Exemption Area under this exemption must have a letter of authorization issued by the Regional Administrator on board and may not fish for, possess on board, or land any species of fish other than whiting, except for the following, with the restrictions noted, as allowable incidental species: Herring; longhorn sculpin; squid; butterfly; mackerel; monkfish and monkfish parts, dogfish, and red hake—up to 10 percent each, by weight, of all other species on board; and American lobster—up to 10 percent by weight of all other species on board or 200 lobsters, whichever is less.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 971229312-7312-01; I.D. 081498B]

Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Cumulative Limit Period Changes

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

ACTION: Fishing restrictions; request for comments.

SUMMARY: NMFS announces a change from 2-month cumulative trip limits to 1-month cumulative trip limits for all groundfish species caught in the limited entry fisheries, except for sablefish caught with fixed gear, beginning September 1, 1998. This change, which is authorized by the Pacific Coast Groundfish Fishery Management Plan (FMP), is intended to allow more flexible inseason management during the final months of the year.

DATES: Effective 0001 hours local time (l.t.) September 1, 1998; except effective 0001 hours l.t. September 16, 1998 for vessels operating in the "B" platoon. These changes remain in effect, unless modified, superseded, or rescinded, until the effective date of the 1999 annual specifications and management measures for the Pacific Coast groundfish fishery, which will be published in the **Federal Register**. Comments will be accepted through September 14, 1998.

ADDRESSES: Submit comments to William Stelle, Jr., Administrator, Northwest Region (Regional Administrator), NMFS, 7600 Sand Point Way NE., Bldg. 1, Seattle WA 98115-0070; or William Hogarth, Administrator, Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213.

FOR FURTHER INFORMATION CONTACT: Katherine King or Yvonne deReynier, Northwest Region, NMFS, 206-526-6140; or Svein Fougner, Southwest Region, NMFS, 562-980-4000.

SUPPLEMENTARY INFORMATION: The following change to current management measures was recommended by the Pacific Fishery Management Council (Council) at its June 23-26, 1998, meeting in Seattle, WA, in consultation with the States of Washington, Oregon, and California.

The Council meetings in September and November 1998 occur just after the beginning of 2-month cumulative trip limit periods, making it impossible to implement inseason changes at the beginning of those periods. To resolve this problem, the Council recommended resuming 1-month cumulative trip limits on September 1, which means that the 60-percent cumulative monthly limits within the current 2-month cumulative limits will become obsolete. By changing from 2-month cumulative periods to 1-month periods, the Council will have more flexibility at its September and November Council meetings to alter trip limits for managed species to ensure that the fishery is harvesting throughout the year without exceeding the harvest guidelines of those species.

NMFS has discovered that the recreational bag limit for bocaccio caught off California was inadvertently omitted in the management measures. The recreational management measures are revised to reflect that the actual bag limit is 15 rockfish per day, of which no more than 3 may be bocaccio.

NMFS Action

For the reasons stated here, NMFS concurs with the Council's recommendations and announces the following changes to the 1998 annual management measures (63 FR 419, January 6, 1998, as amended at 63 FR 24970, May 6, 1998, and 63 FR 36612, July 7, 1998).

1. In Section IV., paragraph *B. Limited Entry Fishery*, is amended by removing paragraphs (2)(d) and (4)(c)(iii) and revising paragraphs (1), (2)(b), (2)(c), (3), (4)(c)(i), (4)(c)(ii), and (6)(a) to read as follows:

* * * * *

B. Limited Entry Fishery

(1) *Widow Rockfish* (commonly called brownies). The cumulative trip limit for widow rockfish is 15,000 lb (6,804 kg) per vessel per month.

(2) * * *

* * * * *

(b) *Cumulative trip limits*. The coastwide cumulative trip limit for the *Sebastes* complex is 20,000 lb (9,072 kg) per vessel per month. Within the cumulative trip limit for the *Sebastes* complex, no more than 6,500 lb (2,948 kg) may be yellowtail rockfish taken and retained north of Cape Mendocino; no more than 1,000 lb (454 kg) may be bocaccio taken and retained south of Cape Mendocino; and no more than 7,500 lb (3,402 kg) may be canary rockfish.

(c) For operating in areas with different trip limits for the same species, see paragraph IV.A.(12) above.

(3) *POP*. The cumulative trip limit for POP is 4,000 lb (1,814 kg) per vessel per month.

(4) * * *

* * * * *

(c) * * *

(i) The monthly cumulative trip limits for species in the Dover sole, thornyheads, and trawl-caught sablefish complex are: for Dover sole, 11,000 lb (4,990 kg); for longspine thornyheads, 6,000 lb (2,722 kg); for shortspine thornyheads, 2,500 lb (1,134 kg); for trawl-caught sablefish, 3,000 lb (1,361 kg).

(ii) In any trip, no more than 500 lb (227 kg) may be trawl-caught sablefish smaller than 22 inches (56 cm) total length. (See paragraph IV.A.(6) regarding length measurement.)

* * * * *

(6) *Lingcod*.

(a) *Trip limits*. The cumulative trip limit for lingcod is 500 lb (227 kg) per vessel per month. No lingcod may be smaller than 24 inches (61 cm) total length, except for a 100-lb (45-kg) trip limit for trawl-caught lingcod smaller than 24 inches (61 cm). Length measurement is explained at paragraph IV.A.(6).

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2. In Section IV., paragraph *C. Trip Limits in the Open Access Fishery* is amended by revising the first 5 sentences of the introductory text of paragraph C., revising paragraphs (1)(d), (1)(e)(i), (1)(e)(ii)(A), removing paragraph (3)(a), redesignating paragraph (3)(b) as paragraph (3), revising newly designated paragraph (3), and revising paragraph (4) to read as follows:

* * * * *

C. Trip Limits in the Open Access Fishery

Open access gear is used to take and retain groundfish from a vessel that does not have a valid limited entry permit for the Pacific coast groundfish fishery with an endorsement for the gear used to harvest the groundfish. This includes longline, trap, pot, hook-and-line (fixed or mobile), set net (south 38° N. lat. only), and exempted trawl gear (trawls used to target non-groundfish species: pink shrimp or prawns, and, south of Pt. Arena, CA (38°57'30" N. lat.), California halibut or sea cucumbers). Unless otherwise specified, a vessel operating in the open access fishery is subject to, and must not exceed any trip limit, frequency limit, and/or size limit for the open access fishery or for the limited entry fishery for the same area. Fish harvested under the limited entry limits also count toward the open access limits for rockfish or groundfish as applicable.

For purposes of this paragraph, exempted trawl gear (trawl gear that is used to harvest shrimp, prawns, California halibut or sea cucumbers as provided in this paragraph C.) may not exceed any limit for the limited entry trawl fishery, unless otherwise specified. * * *

(1) * * *

* * * * *

(d) *POP*. The monthly cumulative limit for POP is 4,000 lb (1,814 kg). (e) * * *

(i) *Yellowtail rockfish*. The monthly cumulative limit for yellowtail rockfish is 6,500 lb (2,948 kg) north of Cape Mendocino.

(ii) *Bocaccio*.

(A) *All open access gear except setnets or trammel nets*. For all open access gear except setnets or trammel nets, the

monthly limit for bocaccio is 1,000 lb (454 kg) south of Cape Mendocino, of which no more than 500 lb (227 kg) per trip may be taken and retained with hook-and-line or pot gear.

* * * * *

(3) *Lingcod*. Lingcod may not be taken and retained, possessed, or landed by any open access gear, including exempted trawl gear, coastwide.

(4) *Dover sole*. The monthly trip limit for Dover sole is 11,000 lb (4,990 kg), and applies to all open access gear.

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3. In Section IV., paragraph *D. Recreational Fishery*, is amended by revising paragraph (1) to read as follows:

* * * * *

D. Recreational Fishery

(1) *California*. The bag limits for each person engaged in recreational fishing seaward of the State of California are: 3 lingcod per day, which may be no smaller than 24 inches (61 cm) total length; and 15 rockfish per day, of which no more than 3 may be bocaccio. Multi-day limits are authorized by a valid permit issued by the State of California and must not exceed the daily limit multiplied by the number of days in the fishing trip.

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Classification

These actions are authorized by the regulations implementing the FMP. The determination to take these actions is based on the most recent data available. Because of the need for immediate action to implement these changes by September 1, 1998, and because the public had an opportunity to comment on the action at the June 1998 Council meeting, NMFS has determined that good cause exists for this document to be published without affording a prior opportunity for public comment or a 30-

day delayed effectiveness period. These actions are taken under the authority of 50 CFR 660.323(b)(1) and are exempt from review under Executive Order 12866.

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

Dated: August 24, 1998.

Bruce Morehead,

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

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