

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 285

[I.D. 091198A]

Atlantic Tuna Fisheries; Atlantic Bluefin Tuna General Category

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

ACTION: Opening of New York Bight fishery.

SUMMARY: NMFS opens the Atlantic Bluefin Tuna (BFT) General category New York Bight fishery. This action is being taken to provide for General category fishing opportunities in the New York Bight area only and to ensure additional collection of biological assessment and monitoring data.

DATES: Effective September 16, 1998, 1 a.m. local time until September 30, 1998, or until the date that the set-aside quota is determined to have been taken, which will be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Maria Uitterhoeve 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.

Implementing regulations at 50 CFR 285.22 subdivide the U.S. quota recommended by the International Commission for the Conservation of Atlantic Tunas among the various domestic fishing categories.

Section 285.22(a)(3) was amended on May 21, 1998 (63 FR 27862) to permit implementation of the set-aside for the traditional fall New York Bight fishery when the coast-wide General category fishery has been closed in any quota period. The New York Bight set-aside area is defined as the waters south and west of a straight line originating at a point on the southern shore of Long Island at 72°27' W. long. (Shinnecock Inlet) and running SSE 150° true, and north of 38°47' N. lat. (Delaware Bay). This regulatory amendment allows for more flexibility in making the quota of 10 mt set aside for this area available, to coincide with the presence of BFT in the Mud Hole area. Previously, on August 8, 1998, NMFS closed the General category for the June-August period, and on September 8, 1998, NMFS closed the General category fishery for September. The New York Bight fishery will open effective Wednesday, September 16, 1998, 1 a.m. local time until September 30, 1998, or until the date, that the set-aside quota is determined to have been taken, which will be published in the **Federal Register**, if necessary. Upon the effective date of the New York Bight opening, persons aboard vessels permitted in the General category may fish for, retain, possess, or land large medium and giant BFT only in the New York Bight set-aside area specified

above, until the set-aside quota for that area has been harvested. BFT harvested from waters outside the defined set-aside area may not be brought into the set-aside area. Vessels permitted in the Charter/Headboat category, when fishing for large medium and giant BFT, are subject to the same rules as General category vessels when the General category is open.

The announcement of the closure date will be filed with the Office of the Federal Register, and further communicated through the Highly Migratory Species (HMS) Fax Network, the HMS Information Line, NOAA weather radio, and Coast Guard Notice to Mariners. Although notification of the closure will be provided as far in advance as possible, fishermen are encouraged to call the HMS Information Line to check the status of the fishery before leaving for a fishing trip. The phone numbers for the HMS Information Line are (301) 713-1279 and (978) 281-9305. Information regarding the Atlantic tuna fisheries is also available toll-free through NextLink Interactive, Inc., at (888) USA-TUNA.

Classification

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

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

Dated: September 14, 1998.

Bruce C. Morehead,

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

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