

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 Office of Management and Budget control number. This extended interim rule contains the same collection-of-information requirement subject to the PRA. Fishing tournament registration and selective reporting in § 644.10 have already been approved by OMB under control number 0648-0323 and estimated at 10 minutes per report. Send comments regarding this burden estimate or any other aspect of this collection-of-information requirement including suggestions on how to reduce or eliminate this burden to NMFS and OMB (see ADDRESSES).

Because prior notice and an opportunity for public comment are not required to be provided for the extension of this interim rule by 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, are inapplicable.

List of Subjects in 50 CFR Part 644

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: September 23, 1998.

Andrew A. Rosenberg,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 644 is amended as follows:

50 CFR CHAPTER VI

PART 644—ATLANTIC BILLFISHES

1. The authority citation for part 644 continues to read as follows:

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

2. Section 644.21 is amended by suspending paragraph (e) and adding paragraph (f), effective from September 24, 1998, through March 19, 1999, to read as follows:

§ 644.21 Size limits.

* * * * *

(f) The following minimum size limits, expressed in terms of lower jaw-fork length (LJFL), apply for the possession of billfish shoreward of the outer boundary of the EEZ, regardless of where caught:

- (1) Blue marlin-99 inches (251 cm)
- (2) White marlin-66 inches (168 cm)
- (3) Sailfish-57 inches (145 cm)

3. Section 644.26 is added, effective from September 24, 1998, through March 19, 1999, to read as follows:

§ 644.26 Catch Limits.

(a) Only one Atlantic marlin (either a blue marlin or a white marlin) may be possessed or landed per vessel per trip.

(b) If he determines after considering the most recent tournament and other landings data that such action is necessary to comply international obligations, the Assistant Administrator may increase or reduce the catch limit, including reduction to zero Atlantic marlin per vessel per trip. The Assistant Administrator will publish a notice in the **Federal Register** of any adjustment in the allowable catch limit per trip under this paragraph.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 980318065-8241-02; I.D. 030698B]

RIN 0648-AK68

Atlantic Sea Scallop Fishery; Extension of Interim Final Rule Implementing Area Closures

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

ACTION: Interim final rule; extension of expiration date.

SUMMARY: NMFS extends the existing closures to scallop fishing of two Mid-Atlantic areas for an additional 180 days. These closures would have expired on September 28, 1998. The extensions are necessary to continue protection of high concentrations of juvenile scallops while permanent measures are being developed by the New England Fishery Management Council (Council).

DATES: Effective September 28, 1998, the interim final rule published March 31, 1998, beginning at 63 FR 15324 is extended through March 26, 1999.

FOR FURTHER INFORMATION CONTACT: Paul H. Jones, Fishery Policy Analyst, 978-281-9273.

SUPPLEMENTARY INFORMATION:

Background

In December 1997, the New England and Mid-Atlantic Fishery Management Councils (Councils) initially requested interim action to implement management measures for the scallop fishery, which close an area south of

Hudson Canyon and a specific area off Virginia Beach to scallop fishing. An interim rule to immediately implement these measures was published on March 31, 1998 (63 FR 15324), with effective dates of April 3, 1998, through September 27, 1998. A full discussion of the status of the scallop stock and the need for interim action is found in the preamble to the interim rule and is not repeated here. No comments were received during the comment period.

In August 1998, the Council adopted these same measures as part of proposed Amendment 7 to the Atlantic Sea Scallop Fishery Management Plan (FMP). The Council also voted to adjust the days-at-sea reduction schedule and to implement a 10-year stock rebuilding program beginning in the 1999 fishing year to eliminate overfishing and comply with the requirements of the Sustainable Fisheries Act. The Council plans to submit Amendment 7 to the FMP in October 1998. However, if Amendment 7 is approved, the final rule to implement it will not be published before the end of the effective period of the interim rule, thus allowing a lapse between the end date of the interim rule and the final rule implementing Amendment 7. This could leave the already overfished scallop stock unprotected from increased exploitation. Both Councils expressed support for the extension of the interim action at their August 1998 meetings. Extending an interim action for up to an additional 180 days is authorized under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by publication in the **Federal Register**, provided the public has had an opportunity to comment on the interim measure, and, in the case of a Council recommendation for interim measures, the Council is actively preparing an FMP, plan amendment, or proposed regulations to address the overfishing on a permanent basis. This action meets both requirements. The Council will soon submit Amendment 7, which will address overfishing on a permanent basis, and the interim final rule that implemented these closures requested public comment on the measures (no comments were received during the comment period). The extension would be in effect from September 28, 1998, through March 26, 1999, or until regulations implementing Amendment 7 become effective.

Classification

NMFS has determined that this rule is necessary to reduce overfishing of sea scallops and is consistent with the

Magnuson-Stevens Act and with other applicable laws. The public is aware that the Councils have requested this action and had an opportunity to comment on it at Council meetings.

A delay in action to reduce overfishing increases the likelihood of a loss of long-term productivity of the sea scallop resource and increases the probable need for more severe restrictions in the future. Accordingly, pursuant to the authority set forth at 5 U.S.C. 553(b)(B), the Assistant Administrator finds that these reasons constitute good cause to waive the requirement to provide prior notice and the opportunity for public comment because such procedures would be contrary to the public interest. Similarly, the need to implement these measures in a timely manner to address overfishing of sea scallops constitutes good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in effectiveness.

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

Because prior notice and opportunity for public comment are not required for this rule by 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, are inapplicable.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: September 22, 1998.

Andrew A. Rosenberg,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 98-25933 Filed 9-24-98; 3:58 pm]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 971208297-8054-02; I.D. 092398D]

Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 in the Gulf of Alaska

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 pollock in Statistical Area 610 in the Gulf of Alaska (GOA). This action is necessary to fully utilize the 1998 total allowable catch (TAC) of pollock in this area.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), September 24, 1998, until 1200 hrs, A.l.t., September 25, 1998.

FOR FURTHER INFORMATION CONTACT: Mary Furuness, 907-586-7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone 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. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

In accordance with § 679.20(c)(3)(ii), the Final 1998 Harvest Specifications of Groundfish for the GOA (63 FR 12027, March 12, 1998) established the amount of the 1998 TAC of pollock in Statistical Area 610 in the GOA as 29,790 metric tons (mt).

The Administrator, Alaska Region, NMFS (Regional Administrator), has established a directed fishing allowance of 29,590 mt, and set aside the remaining 200 mt as bycatch to support

other anticipated groundfish fisheries. The fishery for pollock in Statistical Area 610 in the GOA was closed to directed fishing under § 679.20(d)(1)(iii) on September 14, 1998 (63 FR 49668, September 17, 1998).

NMFS has determined that as of September 22, 1998, 1,200 mt remain in the directed fishing allowance. Therefore, NMFS is terminating the previous closure and is opening directed fishing for pollock in Statistical Area 610 in the GOA effective 1200 hrs, A.l.t., September 24, 1998.

In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance will soon be reached. Current information shows the catching capacity of vessels catching pollock is 1,200 mt per day.

NMFS is closing directed fishing for pollock in Statistical Area 610 of the GOA effective 1200 hrs, A.l.t., September 25, 1998.

All other closures remain in full force and effect.

Classification

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 pollock 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 pollock 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: September 24, 1998.

Bruce C. Morehead,

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

[FR Doc. 98-26032 Filed 9-24-98; 4:24 pm]

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