

or otherwise protectible under Title 17 of the United States Code.

* * * * *

[FR Doc. 98-30265 Filed 11-10-98; 8:45 am]

BILLING CODE 7510-01-P

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 195

[Docket No. PS-121; Notice-5]

RIN 2137-AD05

Pressure Testing Older Hazardous Liquid and Carbon Dioxide Pipelines

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Further response to petitions for reconsideration on pressure testing within terminals and tank farms.

SUMMARY: This document announces that, while RSPA continues to review requirements for pressure testing older piping within terminals and tank farms, it will not enforce those requirements provided the terminals and tank farms are designed and operated at lower stress levels than the main line. RSPA is evaluating comments received on pressure testing within these areas and is considering modifying the current requirements. The enforcement policy maintains the status quo (that is, no testing required) until a decision is made.

FOR FURTHER INFORMATION CONTACT: Mike Israni, (202) 366-4571, or e-mail: mike.israni@rspa.dot.gov, regarding the subject matter of this document, or Jenny Donohue, (202) 366-4046, for copies of this document or other information in the docket.

SUPPLEMENTARY INFORMATION:

Background

On June 7, 1994, RSPA issued a final rule requiring certain older hazardous liquid and carbon dioxide pipelines to be pressure tested. The American Petroleum Institute (API) and Williams Pipe Line Company (Williams) filed petitions for reconsideration of pressure testing requirements for older terminal and tank farm piping on the grounds that pressure testing would be costly and disruptive in the terminals and that such piping is of lower risk since terminals and tank farms are generally operated at reduced pressures. To explore this issue further, RSPA invited comments in a **Federal Register** notice published February 10, 1998 [63 FR 6677].

RSPA received five comments, including one from API. Four of five commenters expressed that terminal/tank farm piping should be exempt from testing requirements because they are designed and operated so that stress level can never exceed 20% SMYS, therefore, there is low possibility of failure. Commenters also argued that compliance would be a difficult task because of many fittings, valves, tanks, and instrumentation. Commenters also suggested that the benefit would be questionable, but the costs would be substantially higher. API suggested that RSPA consider separate rulemaking on testing of terminal/tank piping, excluding them from the current rule. One commenter suggested that leak detection and a volumetric system should be used as a direct substitute for a pressure test.

API also suggested developing a testing/monitoring protocol for evaluating piping within terminals and tank farms that would provide equivalent levels of safety for those facilities. Given the great variety of conditions that exist in terminals and tank farms and the benefits of identifying alternative ways of addressing pipeline risks, development of such a protocol has merit. RSPA will work cooperatively with API on its protocol. RSPA anticipates using the protocol in our evaluation of the pressure testing requirement for terminals and tank farm piping.

Compliance dates for the 1994 rule requiring pressure testing had been extended to allow completion of rulemaking to allow a risk-based alternative to pressure testing. [62 FR 54591]. That rulemaking, which did not address alternatives for terminal and tank farm piping, has just been published. [63 FR 59475; November 4, 1998]. Absent some agency action, operators of older terminals and tank farms would have to complete the pressure testing requirements for piping in their terminals prior to RSPA's reconsideration of these requirements. In order to preserve the status quo, RSPA will not enforce the pressure testing requirements with respect to older piping located in terminals or tank farms that are designed and operated so that they do not experience stress levels of 20 percent or greater.

Issued in Washington, DC on November 5, 1998.

Richard B. Felder,

Associate Administrator for Pipeline Safety.

[FR Doc. 98-30210 Filed 11-10-98; 8:45 am]

BILLING CODE 4910-60-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 23

RIN1018-AE16

Changes in the List of Species in Appendices to the Convention on International Trade in Endangered Species of Wild Fauna and Flora

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES or Convention) regulates international trade in certain animals and plants. Species or other taxa for which such trade is controlled are listed in Appendices I, II, and III to CITES. The countries participating in this treaty, including the United States, adopted amendments to Appendices I and II at the tenth meeting of the Conference of the Parties (COP10) in June, 1997. The United States did not enter a reservation against any of the adopted amendments. This document incorporates all these amendments into the U.S. Fish and Wildlife Service's (Service) informational list of CITES species. It also incorporates a small number of additional changes to the list of CITES-protected animal and plant taxa (50 CFR 23.23) unrelated to decisions of the Parties at COP10 and serving only to clarify taxonomy, common names, or geographic ranges of animal and plant taxa and populations already listed. None of these additional changes affects the biological entity listed by the CITES parties.

DATES: This rule is effective November 12, 1998. With the exception of the new listings of sturgeon species at COP10 (which had the effective date of April 1, 1998), the amendments set forth in this rule entered into effect on September 18, 1997, under the terms of CITES.

ADDRESSES: Please send correspondence concerning this document to Chief, Office of Scientific Authority; U.S. Fish and Wildlife Service; 4401 North Fairfax Drive, room 750; Arlington, Virginia, 22203; fax 703-358-2276. Materials received will be available for public inspection by appointment, from 8:00 a.m. to 4:00 p.m. Monday through Friday at the above address in Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Dr. Susan Lieberman, Chief, Office of Scientific Authority, U.S. Fish and Wildlife Service, telephone 703-358-1708.

SUPPLEMENTARY INFORMATION:

Background

CITES regulates import, export, re-export, and introduction from the sea of certain animal and plant species. Species for which the trade is controlled are included in three Appendices. Appendix I includes species threatened with extinction that are or may be affected by trade. Appendix II includes species that, although not necessarily now threatened with extinction, may become so unless trade in them is strictly controlled. It also lists species that must be subject to regulation in order that trade in other currently or potentially threatened species may be brought under effective control (e.g., because of difficulty in distinguishing specimens of currently or potentially threatened species from those of other species). Appendix III includes species that any Party identifies as being subject to regulation within its jurisdiction for purposes of preventing or restricting exploitation, and for which it needs the cooperation of other Parties to control trade.

Any CITES Party may propose amendments to Appendices I and II for consideration either at meetings of the Conference of the Parties held about every 2½ years or, occasionally, by a postal vote process. The text of proposals must be communicated to the CITES Secretariat at least 150 days before such a meeting. The Secretariat must then consult the other Parties and appropriate intergovernmental agencies, and communicate responses to all Parties no later than 30 days before the meeting. Amendments are adopted by consensus or a two-thirds majority of the Parties present and voting.

Actions of the Parties

The tenth meeting of the Conference of the Parties to CITES was held June 9–20, 1997, in Harare, Zimbabwe. Decisions of the Parties on 62 different animal proposals and 13 different plant proposals to amend the Appendices I and II were reported in the proposed rule published in the **Federal Register** on August 22, 1997 (62 FR 44627).

The August 22, 1997, proposed rule (62 FR 44627) requested comments from the public on whether the United States should enter reservations against any of the listing amendments. If the United States were to enter a reservation, it would be treated as a country not party to CITES with respect to trade in that particular species. However, because of the requirements of other Parties, the U.S. Lacey Act Amendments of 1981, and relevant CITES resolutions, the effect of a reservation would be limited.

More comprehensive discussions of any practical effects of entering a reservation and reasons for or against entering reservations can be found in the November 8, 1994 and January 3, 1995 **Federal Register** notices (59 FR 55617 and 60 FR 73, respectively).

Related Considerations

During the public comment period pursuant to the proposed rule of August 22, 1997, only one organization submitted comments. The Humane Society of the United States (HSUS) submitted comments on a number of issues. The HSUS opposed the taking of reservations by the United States; the Service concurs, and has recommended no reservations. Regarding the alligator snapping turtle, the HSUS noted that endemism is not a reason to not list a species in the CITES Appendices. The Service agrees, and notes that whether or not a species qualifies for inclusion in Appendix II under the CITES listing criteria (Resolution Conf. 9.24) is independent of its degree of endemism. The Service will continue to monitor the status of and trade in this species, and work with the states where the species is native in order to reach the best possible conservation solution for the species. The HSUS requested that the United States include the species in Appendix III; that option is currently being explored. If the Service decides to recommend such a listing in Appendix III, a notice will be published in the **Federal Register** inviting public comments. The HSUS also discussed the annotated transfer of certain African elephant populations to Appendix II, noting that live elephants may not be imported for commercial purposes. The HSUS is incorrect, in that live elephants from Namibia only are restricted to non-commercial purposes; those from Zimbabwe and Botswana can be imported for any purpose. Since these populations are in Appendix II, no U.S. import permit is required under CITES, and the decision on commerciality and suitability of destinations will be made by the exporting country. However, if any of the three countries affected consult the United States prior to issuance of an export permit, the Service will respond to any inquiry about any proposed facility. The HSUS recommended that the Service discuss other aspects of the annotated downlisting of the African elephant populations with members of the Standing Committee. The Service continues to discuss aspects of the downlisting, and practical implementation concerns, with many different governments, including those on the Standing Committee. The HSUS

also requested that the United States include map turtles and bigleaf mahogany in CITES Appendix II. The Service is currently reviewing which proposals it may submit for consideration at CITES COP11, and published a notice of information requesting public comments in the **Federal Register** on January 30, 1998 (63 FR 4613).

Procedural Requirements

This **Federal Register** notice amends the informational list of CITES species in 50 CFR 23.23 to accurately reflect the changes in the list of species in the CITES appendices that have already been made by the Conference of the Parties at their tenth meeting, and that the United States is bound to accept unless it entered reservations. The Service does not believe that implementation of any of these adopted amendments would be contrary to the interests or laws of the United States. The period of time during which the United States could have entered a reservation against any of the amendments ended on September 18, 1997. The Service did not recommend the entry of any reservations, and none were taken by the United States. Therefore, except for the newly adopted sturgeon listings having an effective date of April 1, 1998, these amendments to the CITES Appendices have been in effect for the United States since September 18, 1997.

This notice brings the information in 50 CFR 23.23 into agreement with the current species listings in the CITES appendices. Earlier **Federal Register** notices informed the public about these amendments and provided opportunity for comment on them, including announced public meetings. Since these CITES amendments became effective on September 18, 1997, and April 1, 1998, this amendment to 50 CFR Part 23 is effective upon its date of publication.

In addition to reflecting the amendments to the Appendices adopted at COP10, this notice also incorporates certain other minor changes into the list of CITES-protected animal and plant taxa (50 CFR 23.23) unrelated to decisions of the Parties at COP10 and serves only to clarify taxonomy, common names, or geographic ranges of animal and plant taxa and populations already listed. None of these additional changes affects the biological entity listed by the CITES parties. In the amendatory section below, all entries in the current CFR list that will be either modified or deleted by this rule are treated as deletions and presented in a list of deletions. This is followed by a list of additions, which includes not

only new taxa or populations resulting from amendments adopted at COP10, but also all modifications of current CFR listings.

Note: The Department has determined that amendments to CITES Appendices, which result from actions of the CITES Parties, do not require the preparation of Environmental Assessments as defined under the authority of the National Environmental Policy Act (42 U.S.C. 4321-4347). These amendments are simply notifications of actions taken by the CITES Parties and therefore, this notice does not constitute a "rule" for purposes of the Administrative Procedures Act (5 U.S.C. 551(4)). Accordingly, the provisions of Executive Order 12866, the Regulatory Flexibility Act (5 U.S.C. 601) and the Small Business Regulatory Enforcement Fairness Act of 1996 do not apply. The adjustments to the list in 50 CFR 23.23 presented below are solely informational to provide the public with accurate data on the species covered by CITES. All non-sturgeon listings adopted by the Parties took effect on September 18, 1997, under the terms of CITES. The sturgeon listings took effect April 1, 1998. This rule does not contain information collection requirements that require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

This document was prepared by Marshall Howe and Timothy Van Norman, Office of Scientific Authority, under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.* and 87 Stat. 884, as amended).

List of Subjects in 50 CFR Part 23

Endangered and threatened species, Exports, Imports, Treaties.

Regulation Promulgation

Accordingly, for the reasons set out in the preamble of this document, Part 23 of Title 50, Code of Federal Regulations, is amended as follows:

PART 23—ENDANGERED SPECIES CONVENTION

1. The authority citation for Part 23 continues to read as follows:

Authority: Convention on International Trade in Endangered Species of Wild Fauna and Flora, 27 U.S.T. 1087; and Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

2. § 23.23(d) is revised to read as follows:

§ 23.23 Species listed in Appendices I, II, and III.

* * * * *

(d) Subject to the regulations of this part are all living or dead animals or plants in Appendix I, II or III, and all their readily recognizable parts and derivatives except for specified parts or derivatives of particular Appendix III animal species as excluded in the particular listing and the following categorically excluded or exempted parts or derivatives of certain plants:

(1) For Appendix II and Appendix III plants and artificially propagated

hybrids of Appendix I plants: Seedling or tissue cultures obtained *in vitro*, in solid or liquid media, transported in sterile containers; and

(2) For Appendix II and Appendix III plants: Seeds (other than the seeds of Mexican Cactaceae originating from Mexico, which are included in the Appendices), spores, pollen (including pollinia), and artificially propagated cut flowers; and

(3) For artificially propagated hybrids of Appendix I plants: seeds and pollen (including pollinia) and cut flowers; and

(4) For artificially propagated or naturalized Appendix II Cactaceae species: fruits and their parts and derivatives; for *Opuntia* subgenus *Opuntia* species, separate stem joints (pads) and their parts and derivatives.

(5) For Orchidaceae species: in Appendix I, seedling or tissue cultures obtained *in vitro*, in solid or liquid media, transported in sterile containers; in Appendix II, for artificially propagated *Vanilla* species, the fruits and their parts and derivatives.

* * * * *

2. § 23.23(f) is amended by removing the following taxa or populations as follows:

§ 23.23 Species listed in Appendices I, II, and III.

* * * * *

(f) * * *

Species	Common name	Appendix	First listing date (month/day/year)
CLASS MAMMALIA:	MAMMALS: Kangaroos, Wombats, Wallabies, Cuscuses, Rat-kangaroos, etc.:		
<i>Burramys parvus</i>	Mountain pygmy possum	II	7/1/75
<i>Dendrolagus bennettianus</i>	Bennett's tree kangaroo, Dusky tree kangaroo.	II	6/28/79
<i>D. lumholtzi</i>	Lumholtz's tree kangaroo	II	6/28/79
Order Primates:	Primates: Monkeys, Apes, etc.:		
All species except those in App. I or with earlier date in App. II.	.....	II	2/4/77
<i>Phaner</i> sp.	Fork mouse lemur, Fork-marked mouse lemur.	I	7/1/75
Order Cetacea:	Whales, Porpoises, Dolphins:		
All species except those in App. I or with earlier date in App. II.	.....	II	6/28/79
Order Carnivora:	Carnivores: Cats, Bears, etc.:		
<i>Nasua narica</i> (=nasua)	Common coati, Coatimundi	III (Honduras) ...	4/13/87
<i>Ursus arctos</i> (all European populations except Italian population and former USSR populations).	European Brown Bear	II	7/29/83
<i>U. arctos</i> (Italian population)	European Brown bear	II	7/1/75
<i>U. arctos</i> (all Asian populations, including populations of Iran, Iraq, Syria, and Turkey, except former USSR populations and subspecies listed in App. I).	Brown bear	II	1/18/90
<i>U. arctos</i> (=U. <i>arctos</i> <i>pruinus</i>) (populations of Bhutan, China, and Mongolia).	Tibetan blue bear	I	7/1/75
<i>U. arctos</i> (all North American populations except Mexican population).	Brown bear, Grizzly	II	7/1/75
<i>U. arctos</i> (=U. <i>a. nelsoni</i>) (Mexican population)	Mexican grizzly bear	I	7/1/75
<i>U. arctos isabellinus</i>	Red bear	I	6/28/79

Species	Common name	Appendix	First listing date (month/day/year)
Order Proboscidea:	Elephants:		
<i>Loxodonta africana</i>	African elephant	I	2/4/77
Order Artiodactyla:	Even-toed ungulates:		
<i>Bison bison athabasca</i>	Woods bison	I	7/1/75
<i>Bos mutus</i>	Wild yak	I	7/1/75
<i>Ovis vignei</i>	Shapo	I	7/1/75
<i>Pecari tajacu</i> (except populations of the United States)	Collared peccary	II	10/22/87
<i>Vicugna vicugna</i> (except populations listed below)	Vicuna	I	7/1/75
<i>V. vicugna</i> (populations of Paranicota Province, Ia. Region of Tarapaca in Chile and all populations of Peru) (export limited to cloth products, wool sheared from live animals, and the Peruvian stock of 3249 kg. extant in November, 1994).	Vicuna	II	7/1/75
CLASS AVES:	BIRDS:		
Order Falconiformes:	Hawks, Falcons, Vultures, Eagles:		
All species except Cathartidae and those species in App. I or with earlier date in App. II.	All species except New World vultures	II	6/28/79
Order Gruiformes:	Cranes, Rails, Bustards:		
<i>Gallirallus australis hectori</i>	Eastern weka rail	II	7/1/75
<i>Pedionomus torquatus</i>	Collared hemipode, Plains wanderer	II	6/28/79
<i>Turnix melanogaster</i>	Black-breasted button-quail	II	6/28/79
Order Psittaciformes:	Parrots, Parakeets, Macaws, Lories:		
All species in order except those in App. I or with earlier date in App. II, and except <i>Melopsittacus undulatus</i> , <i>Nymphicus hollandicus</i> , and <i>Psittacula krameri</i> . However, the latter is listed separately in App. III.	All Parrots, Parakeets, Macaws and Lories (not including the Budgerigar, Cockatiel, and Rose-ringed parakeet).	II	6/6/81
Order Strigiformes:	Owls:		
All species except those in App. I or with earlier date in App. II.	.....	II	6/28/79
Order Passeriformes:	Perching birds, Songbirds:		
<i>Gracula religiosa</i>	Hill myna	III (Thailand)	6/11/92
CLASS REPTILIA:	REPTILES:		
Order Crocodylia:	Crocodiles, Alligators, Caimans, Gavials:		
Alligatoridae spp. (all species in family except those in App. I or with earlier date in App. II).	Alligators, Caimans	II	2/4/77
<i>Caiman latirostris</i>	Broad-snouted caiman	I	7/1/75
Crocodylidae spp. (all species in family except those in App. I or with earlier date in App. II).	Crocodiles	II	2/4/77
<i>Crocodylus niloticus</i> (populations of Madagascar and Uganda subject to export quotas described by the Secretariat).	Nile crocodile	II	7/1/75
<i>C. niloticus</i> (populations of Botswana, Ethiopia, Kenya, Malawi, Mozambique, South Africa, Zambia, and Zimbabwe subject to ranching provisions).	Nile crocodile	II	7/1/75
<i>C. niloticus</i> (population of Tanzania subject to ranching provisions and annual quotas described by the Secretariat).	Nile crocodile	II	7/1/75
<i>Melanosuchus niger</i> (population of Ecuador, subject to zero export quotas in 1995 and 1996, followed by annual quotas described by the Secretariat).	Black caiman	II	7/1/75
Order Serpentes:	Snakes:		
Boidae spp. (all species except those in App. I or with earlier date in App. II).	Boa constrictors, Pythons	II	2/4/77
CLASS OSTEICHTHYES:	BONY FISHES:		
Order Acipenseriformes:	Sturgeons:		
PHYLUM ARTHROPODA:	ARTHROPODS:		
CLASS Insecta:	Insects:		
<i>Ornithoptera</i> spp. (all species except those in App. I or with earlier date in App. II).	Birdwing butterflies	II	2/16/79
PHYLUM MOLLUSCA:	MOLLUSCS:		
CLASS Pelecypoda (=Bivalvia):	Clams, Mussels:		
<i>Fusconaia subrotunda</i>	Long solid mussel	II	7/1/75
<i>Lampsilis brevicula</i>	Ozark lamp pearly mussel	II	7/1/75
<i>Lexingtonia dolabelloides</i>	Slab-side pearly mussel	II	7/1/75
CLASS Gastropoda:	Snails:		
<i>Paryphanta</i> spp. (New Zealand species only)	New Zealand amber snails	II	7/1/75
PLANT KINGDOM:	PLANTS:		
Family Agavaceae:	Agave family:		
<i>Agave victoriae-reginae</i>	Queen Victoria agave	II	7/29/83
Family Apocyanaceae:	Dogbane family:		
<i>Pachypodium brevicaule</i> (and its natural hybrids; no export of adult plants before tenth Conference of the Parties, ca. March, 1997).	.....	II	7/1/75

Species	Common name	Appendix	First listing date (month/day/year)
Family Araliaceae:	Ginseng family:		
<i>Panax quinquefolius</i>	American ginseng	II	7/1/75
Family Cactaceae:	Cactus family:		
All species except those in App. I	Cacti	II	7/1/75
<i>Coryphantha werdermannii</i>	Jabali pincushion cactus	I	7/1/75
<i>Echinocereus</i> (= <i>Wilcoxia</i>) <i>schmollii</i>	Lamb's-tail cactus	I	7/1/75
<i>Escobaria minima</i>	Nellie's corycactus	I	7/1/75
<i>E. sneedii</i>	Sneed pincushion cactus	I	7/1/75
<i>Pachycereus</i> (= <i>Backebergia</i>) <i>militaris</i>	Teddy-bear cactus, Military cap	I	7/1/75
<i>Pediocactus</i> (= <i>Toumeyia</i>) <i>knowltonii</i>	Knowlton's cactus	I	7/1/75
<i>P.</i> (= <i>Toumeyia</i>) <i>papyracanthus</i> (see <i>Sclerocactus papyracanthus</i>).			
<i>P. paradinei</i>	Houserock Valley cactus	I	7/1/75
<i>P. peeblesianus</i> (= <i>Toumeyia fickeisenii</i> , = <i>T. peeblesiana</i>)	Peebles' Navajo cactus	I	7/1/75
<i>P. sileri</i>	Siler's pincushion cactus	I	7/1/75
<i>Pelecypora</i> spp. (includes <i>Encephalocarpus</i> sp.)	Hatchet cactus, Pinecone cactus, Peyotillo.	I	7/1/75
<i>Sclerocactus brevihamatus</i> subsp. <i>tobuschii</i> (= <i>Ancistrocactus tobuschii</i> , = <i>Echinocactus tobuschii</i>).	Tobusch fishhook cactus	I	7/1/75
<i>S.</i> (= <i>Echinomastus</i> , = <i>Neolloydia</i>) <i>erectocentrus</i>		I	7/1/75
<i>S. glaucus</i>	Uinta Basin hookless cactus	I	7/1/75
<i>S. papyracanthus</i>	Grama-grass cactus	I	7/1/75
<i>Strombocactus disciformis</i>	Disc cactus, Top cactus	I	7/1/75
Family Cycadaceae:	Cycas family:		
Family Euphorbiaceae:	Spurge family:		
<i>Euphorbia</i> spp. (excluding non-succulent species) (all species except those in App. I).	Euphorbias	II	7/1/75
<i>E. decaryi</i> (including var. <i>capsaintemariensis</i> , <i>E. capsaintemariensis</i>) (and its natural hybrids).		I	7/1/75
Family Leguminosae (= Fabaceae):	Pea family:		
<i>Pericopsis elata</i> (including saw-logs, sawn wood, and veneers, but no other parts or derivatives, i.e., products).	Afrormosia	II	6/11/92
Family Magnoliaceae:	Magnolia family:		
<i>Talauma hodgsonii</i>		III (Nepal)	11/16/75
Family Meliaceae:	Mahogany family:		
<i>Swietenia macrophylla</i> (populations in the Americas, including saw-logs, sawn wood, and veneers, but no other parts or derivatives, e.g., products).	Bigleaf mahogany	III (Costa Rica)	11/16/95
<i>S. mahagoni</i> (including saw-logs, sawn wood, and veneers, but no other parts or derivatives, i.e., products).	Caribbean mahogany	II	6/11/92
Family Orchidaceae (= Apostasiaceae, Cyrtipediaceae):	Orchid family:		
Family Portulacaceae:	Portulaca family:		
<i>Anacampseros</i> spp.		II	7/1/75
<i>Lewisia tweedyi</i>	Tweedy's lewisia	II	7/29/83
Family Primulaceae:	Primrose family:		
<i>Cyclamen</i> spp.	Cyclamens	II	7/1/75
Family Proteaceae:	Protea family:		
<i>Orothamnus zeyheri</i>	Marsh-rose	I	7/1/75
<i>Protea odorata</i>	Ground-rose	I	7/1/75
Family Theaceae:	Tea family:		
<i>Camellia chrysantha</i>	Yellow-flowered camellia, Jinhuaacha	II	8/1/85

3. § 23.23(f) is amended by adding the following taxa or populations to read as follows:

§ 23.23 Species listed in Appendices I, II, and III.

(f) * * *

Species	Common name	Appendix	First listing date (month/day/year)
CLASS MAMMALIA:	MAMMALS:		
Order Primates (formerly including order Scandentia, above):	Primates: Monkeys, Apes, etc.:		
All species of primates except those in App. I or with earlier date in App. II.	A4/77..		

Species	Common name	Appendix	First listing date (month/day/year)
<i>Phaner</i> sp.	Fork-marked mouse lemurs	I	7/1/75
Order Xenarthra:	Anteaters, Sloths, Armadillos:		
<i>Chaetophractus nationi</i> (subject to a zero export quota)	Hairy armadillo	II	9/18/97
Order Cetacea:	Whales, Porpoises, Dolphins:		
All species except those in App. I or with earlier date in App. II.	All whales, porpoises, and dolphins not listed below.	II	6/28/79
Order Carnivora:	Carnivores: Cats, Bears, etc.:		
<i>Nasua narica</i>	Common coati, Coatimundi	III (Honduras) ...	4/13/87
<i>U. arctos</i> (all Asian populations, including populations of Iran, Iraq, Syria, Turkey, and the former USSR, except populations and subspecies listed in App. I).	Brown bear	II	1/18/90
<i>U. arctos</i> (all European populations except Italian population and former USSR populations).	European brown Bear	II	7/29/83
<i>Ursus arctos</i> (all North American populations except <i>U. a. nelsoni</i>).	Brown bear, Grizzly bear	II	7/1/75
<i>U. arctos</i> (all populations of Bhutan, Mongolia, and China except subspecies with earlier date).	Brown bear	I	1/18/90
<i>U. arctos</i> (Italian population)	European brown bear	I	7/1/75
<i>U. arctos isabellinus</i>	Red bear	I	6/28/79
<i>U. arctos nelsoni</i>	Mexican grizzly bear	I	7/1/75
<i>U. arctos pruinosus</i>	Tibetan blue bear	I	7/1/75
Order Proboscidea:	Elephants:		
<i>Loxodonta africana</i> (except the populations of Botswana, Namibia, and Zimbabwe).	African elephant	I	2/4/77
<i>L. africana</i> [only the populations of Botswana, Namibia, and Zimbabwe, to allow: (1) export of hunting trophies for non-commercial purposes; (2) export of live animals to appropriate and acceptable destinations (Namibia: for non-commercial purposes only); (3) export of hides (Zimbabwe only); (4) export of leather goods and ivory carvings for non-commercial purposes (Zimbabwe only). No international trade in ivory is permitted before 18 months after the transfer to Appendix II comes into effect (i.e., March 18, 1999). Thereafter, under experimental quotas for raw ivory not exceeding 25.3 tons (Botswana), 13.8 tons (Namibia) and 20 tons (Zimbabwe), raw ivory may be exported only to Japan, subject to the conditions established in Decision of the Conference of the Parties regarding ivory No. 10.1. Specimens not meeting any of the above conditions shall be deemed to be specimens of species included in Appendix I and the trade in them shall be regulated accordingly].	African elephant	II	2/4/77
Order Artiodactyla:	Even-toed ungulates:		
<i>Bison bison athabasca</i>	Wood bison	II	7/1/75
<i>Bos mutus</i> (excluding domestic forms)	Wild yak	I	7/1/75

Species	Common name	Appendix	First listing date (month/day/year)
* * *	* * * *		
<i>Ovis ammon nigrimontana</i>	Kara Tau argali	I	7/1/75
* * *	* * * *		
<i>O. vignei vignei</i>	Shapo	I	7/1/75
* * *	* * * *		
<i>Pecari tajacu</i> (except populations of the United States and Mexico).	Collared peccary	II	10/22/87
* * *	* * * *		
<i>Vicugna vicugna</i> (except populations listed below, under the conditions specified).	Vicuña	I	7/1/75
V. <i>vicugna</i> [Argentina: wild populations of the Province of Jujuy and the semi-captive populations of the Provinces of Jujuy, Salta, Catamarca, La Rioja and San Juan (export limited to wool sheared from live animals and to cloth and items made thereof, including luxury handicrafts and knitted articles; the reverse side of cloth and cloth products must bear the logo adopted by countries signatory to the Convenio para la Conservación y Manejo de la Vicuña and the words, "VICUÑA-ARGENTINA"; all specimens not meeting any of the above conditions shall be deemed to be specimens of species included in Appendix I and the trade in them shall be regulated accordingly)].	Vicuña	II	7/1/75
V. <i>vicugna</i> [Bolivia: populations of the Conservation Units of Mauri-Desaguadero, Ulla Ulla and Lipez-Chichas (export limited to wool sheared from live animals and to cloth and items made thereof, including luxury handicrafts and knitted articles, but with a zero annual export quota; the reverse side of cloth and cloth products must bear the logo adopted by countries signatory to the Convenio para la Conservación y Manejo de la Vicuña and the words, "VICUÑA-BOLIVIA"; all specimens not meeting any of the above conditions shall be deemed to be specimens of species included in Appendix I and the trade in them shall be regulated accordingly)].	Vicuña	II	7/1/75
V. <i>vicugna</i> [Chile: populations of Paranicota Province, 1a. Region of Tarapaca (export limited to wool sheared from live animals and to cloth and items made thereof, including luxury handicrafts and knitted articles; the reverse side of cloth and cloth products must bear the logo adopted by countries signatory to the Convenio para la Conservación y Manejo de la Vicuña and the words, "VICUÑA-CHILE"; all specimens not meeting any of the above conditions shall be deemed to be specimens of species included in Appendix I and the trade in them shall be regulated accordingly)].	Vicuña	II	7/1/75
V. <i>vicugna</i> [Peru: all populations (export limited to the stock of 3249 kg. extant in November, 1994, to wool sheared from live animals, and to cloth and items made thereof, including luxury handicrafts and knitted articles; the reverse side of cloth and cloth products must bear the logo adopted by countries signatory to the Convenio para la Conservación y Manejo de la Vicuña and the words, "VICUÑA-PERU"; all specimens not meeting any of the above conditions shall be deemed to be specimens of species included in Appendix I and the trade in them shall be regulated accordingly)].	Vicuña	II	7/1/75*
* * *	* * * *		
CLASS AVES	BIRDS		
* * *	* * * *		
Order Falconiformes:	Hawks, Falcons, Vultures, Eagles:		
All species except those in App. I, or with earlier date in App. II, and except Cathartidae species not specifically listed below.	All species except New World vultures not specifically listed below.	II	6/28/79

Species	Common name	Appendix	First listing date (month/day/year)
Order Psittaciformes:	Parrots, Parakeets, Macaws, Lories, Cockatoos, etc.:		
All species in order except those in App. I or with earlier date in App. II, and except <i>Melopsittacus undulatus</i> , <i>Nymphicus hollandicus</i> , and <i>Psittacula krameri</i> . However, the latter is listed separately in App. III.	All Parrots, Parakeets, Macaws, Lories, Cockatoos, etc. not listed below (not including the Budgerigar, Cockatiel, and Rose-ringed parakeet).	II	6/6/81
<i>Amazona viridigenalis</i>	Red-crowned (= Green-cheeked) parrot ...	I	6/6/81
<i>Vini ultramarina</i>	Ultramarine lorikeet	I	6/6/81
Order Strigiformes:	Owls:		
All species except those in App. I or with earlier date in App. II.	All Owls not listed below	II	6/28/79
Order Passeriformes:	Perching birds, Songbirds:		
<i>Amandava formosa</i>	Green avadavat	II	9/18/97
<i>Gracula religiosa</i>	Hill myna	II	6/11/92
<i>Leiothrix argentaurius</i>	Silver-eared mesia	II	9/18/97
<i>L. lutea</i>	Pekin robin	II	9/18/97
<i>Liocichla omeiensis</i>	Omei Shan liocichla	II	9/18/97
<i>Padda oryzivora</i>	Java sparrow	II	9/18/97
<i>Pycnonotus zeylanicus</i>	Straw-headed bulbul	II	9/18/97
<i>Tangara fastuosa</i>	Seven-colored tanager	II	9/18/97
CLASS REPTILIA	REPTILES		
Order Testudinata:	Turtles, Tortoises:		
<i>Callagur borneoensis</i>	Painted terrapin	II	9/18/97
Order Crocodylia:	Crocodiles, Alligators, Caimans, Gavials:		
Alligatoridae spp. (all species in family except those in App. I or with earlier date in App. II).	All Alligators and Caimans not listed below.	II	2/4/77
<i>Caiman latirostris</i> (except population of Argentina)	Broad-snouted caiman	I	7/1/75
Crocodylidae spp. (all species in family except those in App. I or with earlier date in App. II).	All Crocodiles not listed below	II	2/4/77
<i>Crocodylus niloticus</i> (populations of Botswana, Kenya, Malawi, South Africa, Zambia, and Zimbabwe, subject to ranching provisions).	Nile crocodile	II	7/1/75
<i>C. niloticus</i> (population of Ethiopia, Madagascar, Mozambique, Tanzania, and Uganda, subject to an annual export quota).	Nile crocodile	II	7/1/75

Species	Common name	Appendix	First listing date (month/day/year)
<p>* * *</p> <p><i>Melanosuchus niger</i> (population of Ecuador, subject to a zero annual export quota until a different quota has been approved by the Secretariat).</p> <p>* * *</p> <p>Order Serpentes:</p> <p>* * *</p> <p>Boidae spp. (all species except those in App. I or with earlier date in App. II).</p> <p>* * *</p> <p><i>Naja kaouthia</i> (see <i>Naja naja</i>)</p> <p>* * *</p> <p><i>Naja oxiana</i> (see <i>Naja naja</i>)</p> <p>* * *</p> <p>CLASS OSTEICHTHYES</p> <p>* * *</p> <p>Order Acipenseriformes (all species except those in App. I or with earlier date in App. II)</p> <p>* * *</p> <p>PHYLUM ARTHROPODA</p> <p>CLASS Insecta:</p> <p>* * *</p> <p><i>Ornithoptera</i> spp. (all species except those in App. I or with earlier date in App. II).</p> <p>* * *</p> <p>PLANT KINGDOM (NOTE GENERAL EXCLUSIONS AND EXCEPTIONS IN INTRODUCTORY TEXT):</p> <p>Family Agavaceae:</p> <p>* * *</p> <p><i>Agave victoriae-reginae</i> (= <i>A. ferninandii-regis</i>)</p> <p>* * *</p> <p>Family Apocynaceae:</p> <p>* * *</p> <p><i>Pachypodium brevicaule</i> (and its natural hybrids)</p> <p>* * *</p> <p>Family Araliaceae:</p> <p><i>Panax quinquefolius</i> (whole and sliced roots and parts of roots, excluding manufactured parts or derivatives such as powders, pills, extracts, tonics, teas, and confectionery).</p> <p>* * *</p> <p>Family Cactaceae (note general exclusions and exceptions in introductory text):</p> <p>All species except those in App. I, and except artificially propagated specimens of the following hybrids and/or cultivars: (1) <i>Hatiora</i> × <i>graeseri</i> (= <i>H. gaertneri</i> × <i>H. rosea</i>); (2) <i>Schlumbergera</i> (= <i>Zygocactus</i>) <i>truncata</i> cultivars and its hybrids with <i>S. opuntoides</i> (= <i>S. exotica</i>), <i>S. orssichiana</i>, and <i>S. russelliana</i> (= <i>S. buckleyi</i>); (3) <i>Gymnocalycium mihanovichii</i> cultivars lacking chlorophyll, grafted on <i>Hatiora</i> "Jusbertii", <i>Hylocereus trigonus</i> or <i>H. undatus</i>; and (4) <i>Opuntia microdasys</i>.</p> <p>* * *</p> <p><i>Coryphantha werdermannii</i> (= <i>C. densispina</i>; <i>Mammillaria w.</i>)</p> <p>* * *</p> <p><i>Echinocereus</i> (= <i>Cereus</i>, = <i>Wilcoxia</i>) <i>schmollii</i></p>	<p>* * *</p> <p>Black caiman</p> <p>* * *</p> <p>Snakes:</p> <p>* * *</p> <p>All Boa constrictors, Pythons not listed below.</p> <p>* * *</p> <p>* * *</p> <p>* * *</p> <p>* * *</p> <p>BONY FISHES</p> <p>* * *</p> <p>All Sturgeons and Paddlefish not listed below.</p> <p>* * *</p> <p>ARTHROPODS</p> <p>Insects:</p> <p>* * *</p> <p>All Birdwing butterflies not listed below</p> <p>* * *</p> <p>PLANTS</p> <p>Agave family:</p> <p>* * *</p> <p>Queen Victoria agave</p> <p>* * *</p> <p>Dogbane family:</p> <p>* * *</p> <p>.....</p> <p>* * *</p> <p>Ginseng family:</p> <p>American ginseng</p> <p>* * *</p> <p>Cactus family:</p> <p>Cacti</p> <p>* * *</p> <p>Jabali pincushion cactus</p> <p>* * *</p> <p>Lamb's-tail cactus</p>	<p>II</p> <p>II</p> <p>II</p> <p>II</p> <p>II</p> <p>II</p> <p>II</p> <p>II</p> <p>II</p> <p>II</p> <p>II</p> <p>II</p> <p>II</p> <p>II</p> <p>I</p> <p>I</p>	<p>7/1/75</p> <p>2/4/77</p> <p>4/1/98</p> <p>2/16/79</p> <p>7/29/83</p> <p>7/1/75</p> <p>7/1/75</p> <p>7/1/75</p> <p>7/1/75</p> <p>7/1/75</p> <p>7/1/75</p>

Species	Common name	Appendix	First listing date (month/day/year)
<p style="text-align: center;">* * *</p> <p><i>Escobaria minima</i> (=Coryphantha m., not Mammillaria m.; =C. nelliae, E. n., =Mammillaria n.).</p> <p><i>E. sneedii</i>, including <i>E. s.</i> var. <i>leei</i> (=Coryphantha s. var. <i>l.</i>, =E. <i>leei</i>, =Mammillaria <i>l.</i>) and <i>E. s.</i> var. <i>sneedii</i> (=Coryphantha s., =Mammillaria s.).</p>	<p>Nellie's corycactus</p> <p>Sneed pincushion cactus</p>	<p>I</p> <p>I</p>	<p>7/1/75</p> <p>7/1/75</p>
<p style="text-align: center;">* * *</p> <p><i>Pachycereus militaris</i> (=Backebergia m., =Cephalocereus m., =Mitrocereus m., =Pachycereus chrysomallus).</p>	<p>Teddy-bear cactus, Military cap</p>	<p>I</p>	<p>7/1/75</p>
<p style="text-align: center;">* * *</p> <p><i>Pediocactus knowltonii</i> (=P. <i>bradyi</i> var. <i>k.</i>, =Toumeya <i>k.</i>)</p>	<p>Knowlton cactus</p>	<p>I</p>	<p>7/1/75</p>
<p style="text-align: center;">* * *</p> <p><i>P. paradinei</i> (=Pilocanthus <i>p.</i>)</p> <p><i>P. peeblesianus</i>, including <i>P. p.</i> var. <i>fickeiseniae</i> (=Navajoa <i>f.</i>, =Toumeya <i>f.</i>) and <i>P. p.</i> var. <i>peeblesianus</i> (=Echinocactus <i>p.</i>, =Navajoa <i>p.</i>, =Toumeya <i>p.</i>, =Utahia <i>p.</i>).</p> <p><i>P. sileri</i> (=Echinocactus <i>s.</i>, =Utahia <i>s.</i>)</p>	<p>Houserock Valley cactus</p> <p>Fickeisen Navajo cactus, Peeble's Navajo cactus.</p> <p>Siler's pincushion cactus</p>	<p>I</p> <p>I</p> <p>I</p>	<p>7/1/75</p> <p>7/1/75</p> <p>7/1/75</p>
<p style="text-align: center;">* * *</p> <p><i>Pelecyphora</i> (=Encephalocarpus) spp.</p>	<p>Hatchet cactus, Pinecone cactus, Peyotillo.</p>	<p>I</p>	<p>7/1/75</p>
<p style="text-align: center;">* * *</p> <p><i>Sclerocactus brevihamatus</i> subsp. <i>tobuschii</i> (=Ancistrocactus <i>t.</i>, =Echinocactus <i>t.</i>, =Ferocactus <i>t.</i>, =Mammillaria <i>t.</i>).</p>	<p>Tobusch fishhook cactus</p>	<p>I</p>	<p>7/1/75</p>
<p style="text-align: center;">* * *</p> <p><i>S. erectocentrus</i> (=Echinocactus <i>e.</i>, =Echinomastus <i>e.</i>, =Neolloydia <i>e.</i>, =Thelocactus <i>e.</i>; =Echinomastus <i>acunensis</i>, =Echinomastus <i>e.</i> var. <i>a.</i>, =Neolloydia <i>e.</i> var. <i>a.</i>; =Echinocactus <i>krausei</i>, =Echinomastus <i>k.</i>).</p>	<p>Redspine fishhook cactus</p>	<p>I</p>	<p>7/1/75</p>
<p style="text-align: center;">* * *</p> <p><i>S. glaucus</i> (=S. <i>franklinii</i>; =Echinocactus <i>g.</i>, =Ferocactus <i>g.</i>, =Pediocactus <i>g.</i>, =S. <i>whipplei</i> var. <i>g.</i>; =E. <i>subglaucus</i>; =S. <i>wetlandicus</i>; =S. <i>w.</i> var. <i>ilseae</i>).</p>	<p>Uinta Basin hookless cactus</p>	<p>I</p>	<p>7/1/75</p>
<p style="text-align: center;">* * *</p> <p><i>S. papyracanthus</i> (=Echinocactus <i>p.</i>, =Mammillaria <i>p.</i>, =Pediocactus <i>p.</i>, =Toumeya <i>p.</i>).</p>	<p>Gramagrass cactus</p>	<p>I</p>	<p>7/1/75</p>
<p style="text-align: center;">* * *</p> <p><i>Strombocactus</i> spp. (=S. <i>disciformis</i> in broad sense)</p>	<p>Disc cactus, Top cactus</p>	<p>I</p>	<p>7/1/75</p>
<p style="text-align: center;">* * *</p> <p>Family Cycadaceae:</p>	<p style="text-align: center;">* * *</p> <p>Old World cycad family (see families Stangeriaceae and Zamiaceae for other cycads):</p>		
<p style="text-align: center;">* * *</p> <p>Family Euphorbiaceae:</p> <p><i>Euphorbia</i> spp., except those species in App. I, and excluding non-succulent species and artificially propagated specimens of <i>Euphorbia trigona</i> cultivars.</p>	<p style="text-align: center;">* * *</p> <p>Spurge family:</p> <p>Euphorbias</p>	<p>II</p>	<p>7/1/75</p>
<p style="text-align: center;">* * *</p> <p><i>E. capsaintemariensis</i> (= <i>E. decaryi</i> var. <i>c.</i>) (and its natural hybrids).</p>	<p>.....</p>	<p>I</p>	<p>7/1/75</p>
<p style="text-align: center;">* * *</p> <p><i>E. decaryi</i> (and its natural hybrids) (see also <i>E. capsaintemariensis</i>, formerly included in <i>E. decaryi</i>).</p>	<p>.....</p>	<p>I</p>	<p>7/1/75</p>
<p style="text-align: center;">* * *</p> <p>Family Leguminosae (=Fabaceae):</p>	<p style="text-align: center;">* * *</p> <p>Pea family:</p>		
<p style="text-align: center;">* * *</p> <p><i>Pericopsis elata</i> (including logs, sawn wood, and veneer sheets, but not other parts or derivatives).</p>	<p>Afrormosia</p>	<p>II</p>	<p>6/11/92</p>

Species	Common name	Appendix	First listing date (month/day/year)
<p>Family Magnoliaceae:</p> <p><i>Magnolia</i> (= <i>Talauma</i>) <i>hodgsonii</i></p> <p>Family Meliaceae:</p> <p><i>Swietenia macrophylla</i> (populations in the Americas, including logs, sawn wood, and veneer sheets, but not other parts or derivatives).</p> <p><i>S. mahagoni</i> (including logs, sawn wood, and veneer sheets, but not other parts or derivatives).</p>	<p>Magnolia family:</p> <p>.....</p> <p>Mahogany family:</p> <p>.....</p> <p>Bigleaf mahogany</p> <p>Caribbean mahogany</p>	<p>III (Nepal)</p> <p>III (Costa Rica)</p> <p>II</p>	<p>11/16/75</p> <p>11/16/95</p> <p>6/11/92</p>
<p>Family Orchidaceae (= Apostasiaceae, Cypripediaceae) (note general exclusions and exceptions in introductory text):</p>	<p>Orchid family:</p>		
<p>Family Portulacaceae:</p> <p><i>Anacampseros</i> spp. (including <i>A.</i> [= <i>Grahamia</i>] <i>australiana</i>, <i>A.</i> [= <i>G.</i>] <i>kurtzii</i>).</p> <p><i>Avonia</i> spp. (formerly a part of <i>Anacampseros</i> spp.)</p>	<p>Portulaca family:</p> <p>.....</p> <p>.....</p>	<p>II</p> <p>II</p>	<p>7/1/75</p> <p>7/1/75</p>
<p>Family Primulaceae:</p> <p><i>Cyclamen</i> spp., excluding artificially propagated specimens of the cultivars of <i>Cyclamen persicum</i> (except when traded as dormant tubers).</p>	<p>Primrose family:</p> <p>Cyclamens</p>	<p>II</p>	<p>7/1/75</p>
<p>Family Proteaceae:</p> <p><i>Orothamnus zeyheri</i></p> <p><i>Protea odorata</i></p>	<p>Protea family:</p> <p>Marsh-rose</p> <p>Ground-rose</p>	<p>II</p> <p>II</p>	<p>7/1/75</p> <p>7/1/75</p>
<p>Family Ranunculaceae:</p> <p><i>Hydrastis canadensis</i> (whole and sliced roots and parts of roots, excluding manufactured parts or derivatives such as powders, pills, extracts, tonics, teas, and confectionery).</p>	<p>Buttercup family:</p> <p>Goldenseal</p>	<p>II</p>	<p>9/18/97</p>
<p>Family Scrophulariaceae:</p> <p><i>Picrorhiza kurroa</i> (whole and sliced roots and parts of roots, excluding manufactured parts or derivatives such as powders, pills, extracts, tonics, teas, and confectionery).</p>	<p>Figwort family:</p> <p>Kutki</p>	<p>II</p>	<p>9/18/97</p>
<p>Family Stangeriaceae:</p> <p><i>Bowenia</i> spp. (formerly in Zamiaceae)</p>	<p>Stangeria family:</p> <p>Bipinnate cycads</p>	<p>II</p>	<p>2/4/77</p>
<p>Family Valerianaceae:</p> <p><i>Nardostachys grandiflora</i> (= <i>Nardostachys jatamansi</i> misapplied) (whole and sliced roots and parts of roots, excluding manufactured parts or derivatives such as powders, pills, extracts, tonics, teas, and confectionery).</p>	<p>Valerian family:</p> <p>Himalayan nard or spikenard</p>	<p>II</p>	<p>9/18/97</p>

Dated: September 8, 1998.

Donald J. Barry,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 98-29849 Filed 11-10-98; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 971208298-8055-02; I.D. 110598A]

Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Western Aleutian District of the Bering Sea and Aleutian Islands

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

ACTION: Closure.

SUMMARY: NMFS is prohibiting directed fishing for Atka mackerel in the Western Aleutian District of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the amount of the 1998 total allowable catch (TAC) of Atka mackerel in this area.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), November 7, 1998, until 2400 hrs, A.l.t., December 31, 1998.

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

SUPPLEMENTARY INFORMATION: The groundfish fishery in the BSAI exclusive economic zone is managed by NMFS according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (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 CFR part 679.

The Final 1998 Harvest Specifications of Groundfish for the BSAI established the initial TAC of Atka mackerel in the Western Aleutian District as 22,950 mt, and, through the apportionment of reserve allocated an additional 2,025 mt for a total of 24,975 mt (63 FR 12689, March 16, 1998). See § 679.20(c)(3)(iii).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the TAC for Atka mackerel in the Western Aleutian District will be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 23,975 mt, and is setting aside the remaining 1,000 mt as bycatch to support other anticipated groundfish fisheries. In

accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for Atka mackerel in the Western Aleutian District.

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 to prevent overharvesting the 1998 TAC of Atka mackerel for the Western Aleutian District of the BSAI. A delay in the effective date is impracticable and contrary to public interest. Further delay would only result in overharvest. NMFS finds for good cause that the implementation of this action should 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 § 679.20 and is exempt from review under E.O. 12866.

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

Dated: November 5, 1998.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
[FR Doc. 98-30229 Filed 11-6-98; 3:46 pm]

BILLING CODE 3510-22-F