

island areas such as Palmyra Atoll, and the islands of Howland, Baker, and Jarvis, the quantity harvested annually is less than 10 mts. NMFS believes that this level of catch of prey species will not have an adverse effect on EFH.

According to NMFS' EFH Guidelines (62 FR 66531, December 19, 1997), the establishment of research closure areas is not a mandatory element of fishery management plans. Even though the Council did not create specific research closure areas, currently established refugia, protected species study zones, and longline closed areas could be used as research closure areas for that purpose under experimental fishing permits.

Comment 2: The MFCN also commented that the comprehensive amendment fails to comply with statutory mandates to create a standardized reporting methodology for bycatch and to minimize to the extent practicable bycatch and bycatch mortality in its fisheries.

Response: NMFS recognized the shortcomings of the sections of the comprehensive amendment regarding bycatch in the bottomfishing and pelagics fisheries and disapproved them. Although the bycatch sections of the crustaceans and precious corals amendments could be strengthened by more specific discussion and analysis of all fishing gears used in the Western Pacific, NMFS has determined that they are adequate, but will work with the Council to improve them. No new management measures to address bycatch appear to be practicable at this time.

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

Dated: April 13, 1999.

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. 990304062-9062-01; I.D. 041299B]

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod in the Western Regulatory Area 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 Pacific cod by vessels catching Pacific cod for processing by the offshore component in the Western Regulatory Area of the Gulf of Alaska (GOA). This action is necessary to fully utilize the total allowable catch (TAC) of Pacific cod in that area.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), April 18, 1999.

FOR FURTHER INFORMATION CONTACT: Thomas Pearson, 907-481-1780 or tom.pearson@noaa.gov.

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(a)(6)(iii), the Final 1999 Harvest Specifications for Groundfish (64 FR 12094, March 11, 1999), and subsequent reserve apportionment (64 FR 16362, April 5, 1999) established the allowance of the 1999 Pacific cod TAC apportioned for vessels catching Pacific cod for processing by the offshore component in the Western Regulatory Area of the GOA as 2,363 metric tons (mt).

The offshore component fishery for Pacific cod in the GOA was closed to directed fishing under § 679.20(d)(1)(iii) on January 20, 1999 (64 FR 3658, January 25, 1999).

NMFS has determined that as of April 3, 1999, approximately 2,000 mt remain in the offshore component directed fishing allowance. Therefore, NMFS is terminating the previous closure and is opening directed fishing for Pacific cod by vessels catching Pacific cod for processing by the offshore component in the Western Regulatory Area of the GOA.

Classification

All other closures remain in full force and effect. 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 Pacific cod 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 Pacific cod TAC for

harvest. NMFS finds for good cause that 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: April 13, 1999.

Bruce Morehead,

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

[FR Doc. 99-9699 Filed 4-14-99; 4:07 pm]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 697

[Docket No. 990119023-9023-01; I.D. 111898B]

RIN 0648-AL38

Atlantic Sturgeon Fishery; Moratorium in Exclusive Economic Zone

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

ACTION: Direct final rule; notification of effective date.

SUMMARY: NMFS issues this notification of the effective date for a direct final rule prohibiting the possession in, or harvest from, the exclusive economic zone (EEZ) of Atlantic sturgeon from Maine through Florida.

DATES: This rule is effective May 27, 1999.

FOR FURTHER INFORMATION CONTACT: Paul Perra, 301-427-2014.

SUPPLEMENTARY INFORMATION:

Background

On February 26, 1999, a direct final rule for Atlantic sturgeon was published (64 FR 9449), which had a comment period ending on March 29, 1999. The rule was to become effective on May 27, 1999, if no adverse comments or a notice of intent to submit adverse comments were received by March 29, 1999. Since no adverse comments or a notice of intent to submit adverse comments were received during the comment period, this rule becomes effective May 27, 1999, without further action. This direct final rule does not exclude the submission of a request, under 50 CFR 600.745, to conduct experimental, scientific, or educational fishing on Atlantic sturgeon.