

carrier for only the portion(s) of the trip for which you were authorized to use foreign air carrier service. The agency must establish internal procedures for denying reimbursement to travelers when use of a foreign air carrier was neither authorized nor otherwise permitted under this regulation.

Dated: November 5, 1998.

David J. Barram,

Administrator of General Services.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants

CFR Correction

In Title 50 of the Code of Federal Regulations, parts 1 to 199, revised as of Oct. 1, 1997, § 17.44 is corrected by adding paragraph (v) as follows:

§ 17.44 Special rules—fishes.

* * * * *

(v) Gulf sturgeon (*Acipenser oxyrinchus desotoi*). (1) No person shall take this species, except in accordance with applicable State fish and wildlife conservation laws and regulations for educational purposes, scientific purposes, the enhancement of propagation or survival of the species, zoological exhibition, or other conservation purposes consistent with the Act.

(2) Any violation of applicable State fish and wildlife conservation laws or regulations with respect to taking of this species is also a violation of the Endangered Species Act.

(3) No person shall possess, sell, deliver, carry, transport, ship, import, or export, by any means whatever, any of this species taken in violation of applicable State fish and wildlife conservation laws or regulations.

(4) It is unlawful for any person to attempt to commit, solicit another to commit, or cause to be committed, any offense defined in paragraphs (v)(1) through (3) of this section.

(5) Taking of this species for purposes other than those described in paragraph (v)(1) of this section, including taking incidental to otherwise lawful activities, is prohibited except when permitted under 50 CFR 17.32.

BILLING CODE 1505-01-D

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 644

[Docket No. 981109279-8279-01; I.D. 020398B]

RIN 0648-AM02

Atlantic Marlin Adjustable Bag Limit Provision

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

ACTION: Interim rule; technical amendment.

SUMMARY: By the interim rule, published in the **Federal Register** on March 24, 1998, NMFS increased the minimum size limits for Atlantic blue marlin (BUM) and Atlantic white marlin (WHM), respectively, and required operators of Atlantic billfish sport fishing tournaments to notify NMFS at least 4 weeks prior to tournament commencement. On September 29, 1998, NMFS extended the period of the interim rule for an additional 180 days and amended it to increase the minimum size limit for Atlantic BUM to 99 inches lower jaw-fork length (LJFL) (251 cm), to establish a recreational bag limit of one Atlantic BUM or WHM per vessel per trip and to grant the Assistant Administrator for Fisheries, NOAA (AA), authority to adjust the bag limit, including adjusting it to zero. The current action amends the interim rule to remove the provision allowing the AA to adjust the bag limit.

DATES: Effective November 9, 1998.

FOR FURTHER INFORMATION CONTACT: Buck Sutter, 813-570-5447; fax: 813-570-5364.

SUPPLEMENTARY INFORMATION: The International Convention for the Conservation of Atlantic Tunas (ICCAT) adopted a recommendation in 1997 with several measures to address the condition of billfish resources throughout the Atlantic Ocean, including reducing Atlantic BUM and Atlantic WHM landings by at least 25 percent from 1996 limits, starting in 1998, to be accomplished by the end of 1999. In September 1997, NMFS designated BUM and WHM as being overfished. In response to the ICCAT recommendation, as required by Atlantic Tunas Convention Act (ATCA), and in an effort to reduce overfishing, NMFS promulgated a 180-day interim rule (63 FR 14030, March 24, 1998) under section 305(c) of the Magnuson

Fishery Conservation and Management Act (Magnuson-Stevens Act). The interim rule increased the minimum size of Atlantic BUM and WHM that could be retained by U.S. recreational anglers and required operators of Atlantic billfish sport fishing tournaments to notify NMFS at least 4 weeks prior to tournament commencement. The interim rule was extended for an additional 180 days, beginning September 24, 1998, and amended to increase the minimum size limit for Atlantic BUM to 99 inches (251 cm), to establish a recreational bag limit of one Atlantic BUM or WHM per vessel per trip, and to grant the AA authority to adjust the bag limit up or down, including to zero if the landing limits for BUM and WHM are reached (26.2 mt and 2.48 mt, respectively), as determined by the most recent tournament and other landings data (63 FR 51859, September 29, 1998).

It is highly unlikely that the interim authority granted the AA to adjust the bag limit would have to be used by March 19, 1999, the date the interim rule expires. The BUM and WHM recreational angling seasons in the United States generally occur between May and September. The best currently available scientific information indicates that the ICCAT-recommended landing limits for BUM and WHM have not been exceeded thus far during 1998. In addition, the NMFS Recreational Billfish Survey indicates that no landings of BUM or WHM have been observed from October through February over the last 3 years of the survey (1995 to 1997). Under 50 CFR 644.20, the fishing year and associated landing limits run from January 1 to December 31. At the initiation of the new fishing year on January 1, 1999, the landing limits start again at 26.2 mt BUM and 2.48 mt WHM. Based on the landings data for 1995 through 1997, 0 percent of the landings for both BUM and WHM are taken during January and February, and only 3.6 percent of BUM and 1.6 percent of WHM are taken during March. It is, therefore, highly unlikely that there would be any need to adjust the bag limit of one fish per vessel per trip downward for the remainder of 1998, or from January 1, 1999, through March 19, 1999, in order to ensure compliance with ICCAT-recommended landing limits.

NMFS has received public comment on the interim rule, and on October 9, 1998 (63 FR 54433) NMFS published a notice of availability of draft Amendment 1 to the Atlantic Billfish Fishery Management Plan (Billfish FMP), with a request for comments by January 7, 1999. Draft Amendment 1 to

the Billfish FMP contains an alternative management measure that would give the AA, the authority to adjust the bag limit up or down, including adjusting it to zero if the landing limits for BUM and WHM are reached. The public comments received to date indicate that the possibility of a zero bag limit could have a significant negative impact on the planning of, and participation in, billfish tournaments. Sport fishing organizations have stated their intent to address this issue in the context of commenting on draft Amendment 1 to the Billfish FMP and on the regulations to implement that amendment (proposed implementing regulations for the FMP amendment will be published shortly).

NMFS agrees that there is no need to maintain the provision to adjust the bag limit in the interim rule and, by this action, removes the AA's authority to adjust the bag limit. NMFS will evaluate written and verbal comments received during the 3-month comment period on the draft FMP amendment, and during the comment period on the implementing regulations to be proposed shortly, in determining the appropriateness of using adjustable bag limits to ensure compliance with

ICCAT-recommended landing limits. In the highly unlikely event that a prohibition of Atlantic BUM and/or WHM landings is required because ICCAT-recommended limits have been exceeded before the end of the interim rule period, NMFS has the authority, under section 305(d) of the Magnuson-Stevens Act, to take appropriate action.

Classification

The AA has determined that this amendment of the interim rule is consistent with the Magnuson-Stevens Act and other applicable laws.

The AA has determined that, under 5 U.S.C. 553(b)(B), there is good cause to waive the requirement for prior notice and an opportunity for public comment as such procedures would be contrary to the public interest for the reasons stated above. Further, under 5 U.S.C. 553(d)(3), the AA has determined that there is good cause to waive the otherwise required 30-day delay in effective date. This rule affects only the authority of NMFS to adjust a bag limit. It does not impose any substantive requirement on any fisherman for which time would be required to come into compliance.

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

Because prior notice and an opportunity for public comment are not required to be provided for the amendment 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: November 6, 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:

PART 644—ATLANTIC BILLFISHES

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

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

§ 644.26 [Amended]

2. Section 644.26 (b) is removed and reserved.

[FR Doc. 98-30391 Filed 11-9-98; 4:10 pm]

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