

persons fishing from charter vessels; for the Atlantic migratory group of king mackerel, changes the daily bag limit applicable to the southern area (off Florida), from five per person to the limit applicable to Florida's waters, but not to exceed five per person; for the Gulf migratory group of Spanish mackerel, changes the daily bag limit applicable to (a) the eastern area (off Florida) from five per person to the limit applicable to Florida's waters, but not to exceed ten per person; and (b) the western area (off Texas) from three per person to the limit applicable to Texas' waters, but not to exceed ten per person; for the Atlantic migratory group of Spanish mackerel, changes the daily bag limit applicable to the southern area (off Florida), from five per person to the limit applicable to Florida's waters, but not to exceed ten per person; and for cobia, increases the MSY from 1.0 to 2.2 million pounds (m. lb.). The intended effects are to protect the mackerels and cobia from overfishing and continue stock rebuilding programs while still allowing catches by important recreational and commercial fisheries dependent on these species.

EFFECTIVE DATE: September 18, 1992.

FOR FURTHER INFORMATION CONTACT: Mark F. Godcharles, 813-893-3161.

SUPPLEMENTARY INFORMATION: The mackerel fisheries are regulated under the FMP, which was prepared jointly by the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils), and its implementing regulations at 50 CFR part 642.

In accordance with the FMP and its implementing regulations, the Councils recommended and NMFS published a proposed rule containing changes in TACs, allocations, quotas, and bag limits for king and Spanish mackerel and the MSY for cobia (57 FR 33924, July 31, 1992). That proposed rule (1) described the framework procedures of the FMP through which the Councils recommended changes in TACs, allocations, quotas, bag limits, and MSY; (2) specified the recommended changes, and (3) described the need and rationale for the recommended changes. Those descriptions are not repeated here.

No comments were received on the proposed rule. Accordingly, the proposed rule is adopted as final. However, one change has been made to the final rule to clarify that the rule's incorporation of the Florida and Texas bag limits automatically will include any future amendments to those States' bag limits.

Classification

The Assistant Administrator for Fisheries, NOAA (Assistant Administrator), has determined that this final rule is not a "major rule" requiring a regulatory impact analysis under E.O. 12291.

The Councils prepared a regulatory impact review for this action, the conclusions of which were summarized in the proposed rule and are not repeated here.

The General Counsel of the Department of Commerce certified to the Small Business Administration that the proposed rule, if adopted, will not have a significant economic impact on a substantial number of small entities. Accordingly, the preparation of a regulatory impact analysis is not required.

The increased allocations and quotas for the Gulf migratory group of king mackerel in this final rule are effective for the fishing year that began July 1, 1992. Delay in implementing these allocations and quotas may cause unnecessary closures of the commercial fisheries and/or reductions of the bag limits to zero when the existing, lower allocations and quotas are reached. Removal of the alternative bag limit, currently available for persons fishing for king mackerel from charter vessels in parts of the Gulf of Mexico, in combination with other measures, is expected to prolong the recreational fishery. Delay in implementation will unnecessarily reduce that benefit. The bag limit changes in this final rule simplify the regulations and foster compatibility of Federal and state limits. Delay in implementation will unnecessarily prolong incompatible Federal/state bag limits for Spanish mackerel off Texas. Accordingly, the Assistant Administrator finds for good cause, namely, to provide effective conservation and management of the coastal migratory pelagic resources, that it is impracticable and contrary to the public interest to delay for 30 days the effective date of this rule under the provisions of section 553(d)(3) of the Administrative Procedure Act.

List of Subjects in 50 CFR Part 642

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: September 11, 1992.

Samuel W. McKeen,

Acting Assistant Administrator for Fisheries,
National Marine Fisheries Service.

For the reasons set forth in the preamble, 50 CFR part 642 is amended as follows:

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 642

[Docket No. 920246-2229]

National Marine Fisheries Service; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Final rule.

SUMMARY: NMFS changes the total allowable catch (TAC), allocations and quotas for the Gulf of Mexico migratory group of king mackerel, changes the bag limits from the Atlantic and Gulf migratory groups of king and Spanish mackerel, and changes the maximum sustainable yield (MSY) for cobia in accordance with the framework procedure of the Fishery Management Plan for the Coastal Migratory Pelagic Resources (FMP). This final rule for the Gulf migratory group of king mackerel, increases: The TAC and allocations, and in the western area (off Texas) and central area (off Louisiana, Mississippi, and Alabama), removes the three-fish alternative bag limited available for

PART 642—COASTAL MIGRATORY PELAGIC RESOURCES OF THE GULF OF MEXICO AND SOUTH ATLANTIC

1. The authority citation for part 642 continues to read as follows:

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

§ 642.21 [Amended]

2. In § 642.21, the numbers are revised in the following places to read as follows:

Paragraph	Re- moved	Added
(a)(1), first sentence	1.84	2.50
(a)(1)(ii)	1.27	1.73
(a)(1)(iii)	0.57	0.77
(b)(1)	3.91	5.30

3. In § 642.28, paragraphs (a)(1)(i) through (a)(1)(iv) and (a)(3) are revised to read as follows:

§ 642.28 Bag and possession limits.

- (a) * * *
- (1) * * *

(i) *King mackerel Gulf migratory group.* Possessing two king mackerel per person per day.

(ii) *King mackerel Atlantic migratory group.*

(A) *Northern area.* Possessing five king mackerel per person per day.

(B) *Southern area.* Possessing the limit specified by Florida in Rule 46-12.004, Rules of the Department of Natural Resources, Florida Marine Fisheries Commission, Florida Administrative Code, or as subsequently amended, but in any event not to exceed five king mackerel per person per day.

(iii) *Spanish mackerel Gulf migratory group.*

(A) *Eastern area.* Possessing the limit specified by Florida in Rule 46-23.005, Rules of the Department of Natural Resources, Florida Marine Fisheries Commission, Florida Administrative Code, or as subsequently amended, but in any event not to exceed ten Spanish mackerel per person per day.

(B) *Central area.* Possessing ten Spanish mackerel per person per day.

(C) *Western area.* Possessing the limit specified by Texas in Rule 31-85.72, Texas Administrative Code, or as subsequently amended, but in any event not to exceed ten Spanish mackerel per person per day.

(iv) *Spanish mackerel Atlantic migratory group.*

(A) *Northern area.* Possessing ten Spanish mackerel per person per day.

(B) *Southern area.* Possessing the limit specified by Florida in Rule 46-23.005, Rules of the Department of Natural Resources, Florida Marine Fisheries Commission, Florida Administrative Code, or as subsequently amended, but in any event not to exceed ten Spanish mackerel per person per day.

(3) *Areas.* For the purpose of paragraph (a)(1) of this section:

(i) The boundary between the northern and southern areas is a line extending directly east from the Georgia/Florida boundary (30°42'45.6" N. latitude) to the outer limit of the EEZ;

(ii) The boundary between the eastern and central areas is a line extending directly south from the Alabama/Florida boundary (87°31'06" W. longitude) to the outer limit of the EEZ (identical to the boundary between the eastern and western zones in the commercial fishery); and

(iii) The boundary between the central and western areas is an extension of the boundary between Louisiana and Texas, namely, a line from point A (on the seaward limit of Texas' waters) at 29°32.1' N. latitude, 93°47.7' W. longitude to point B (on the outer limit of the EEZ) at 26°11.4' N. latitude, 92°53' W. longitude.

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50 CFR Part 675

[Docket No. 911172-2021]

Groundfish of the Bering Sea and Aleutian Islands Area

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Closure to directed fishing.

SUMMARY: NMFS is establishing a directed fishing allowance and is closing the directed fishery for Pacific cod in the Bering Sea and Aleutian Islands Management Area (BSAI). This action is necessary to prevent exceeding the total allowable catch (TAC) for Pacific cod in the BSAI.

EFFECTIVE DATES: Effective 12 noon, Alaska local time (A.L.T.), September 17, 1992, through 12 midnight, A.L.T., December 31, 1992.

FOR FURTHER INFORMATION CONTACT: Andrew N. Smoker, Resource Management Specialist, Fisheries Management Division, NMFS, 907/588-7228.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the BSAI exclusive economic zone is managed by the Secretary of Commerce according to the Fishery Management Plan for the Groundfish Fishery of the BSAI (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at 50 CFR parts 620 and 675.

The Pacific cod initial TAC in the BSAI was established by the final notice of specifications (57 FR 2044, February 3, 1992) and increased by a release from the non-specific reserve to 176,700 metric tons (mt) effective September 11, 1992 (published in the Federal Register September 16, 1992).

The Director of the Alaska Region, NMFS (Regional Director), has determined, in accordance with § 675.20(a)(8), that the Pacific cod TAC will soon be reached. Therefore, NMFS is establishing a directed fishing allowance of 173,700 mt, and is setting aside the remaining 3,000 mt as bycatch to support other anticipated groundfish fisheries. The Regional Director has determined that the directed fishing allowance will soon be reached. Consequently, NMFS is prohibiting directed fishing for Pacific cod in the BSAI, effective from 12 noon, A.L.T., September 17, 1992, through 12 midnight, A.L.T., December 31, 1992.

Directed fishing standards for applicable gear types may be found in the regulations at § 675.20(b).

Classification

This action is taken under 50 CFR 675.20 and is in compliance with E.O. 12291.

List of Subjects in 50 CFR Part 675

Fisheries, Reporting and recordkeeping requirements.

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

Dated: September 14, 1992.

David S. Croftin,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 92-22608 Filed 9-15-92; 10:18 am]

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