

**SUMMARY:** NMFS issues an inseason adjustment opening the B season for Atka mackerel with gears other than jig in the Eastern Aleutian District (area 541) and the Bering Sea subarea of the Bering Sea and Aleutian Islands management area (BSAI) for 12 hours, from 2400 hrs, Alaska local time (A.l.t.), September 1, 2003, until 1200 hrs, A.l.t., September 2, 2003. This action is necessary to prevent exceeding the 2003 total allowable catch (TAC) of Atka mackerel in these areas and to allow the harvest limit area (HLA) fisheries in the Central (area 542) and Western (area 543) Aleutian Districts, which are by regulation scheduled to open 48 hours after the closure of the Eastern Aleutian District and Bering Sea subarea fishery, to begin at 1200 hrs. NMFS is also announcing the opening and closure dates of the first and second directed fisheries within the HLA in areas 542 and 543. These actions are necessary to prevent exceeding the B season HLA limits established for area 542 and area 543.

**DATES:** Opening of directed fishing for Atka mackerel with gears other than jig in the Eastern Aleutian District and the Bering Sea subarea: Effective 2400 hrs, A.l.t., September 1, 2003, until 1200 hrs, A.l.t., September 2, 2003. The first directed fisheries in the HLA in area 542 and area 543 open effective 1200 hrs, A.l.t., September 4, 2003. The first HLA fishery in area 542 and area 543 will remain open until 1200 hrs, A.l.t., September 10, 2003. The second directed fisheries in the HLA in area 542 and area 543 open effective 1200 hrs, A.l.t., September 12, 2003. The second HLA fishery in area 542 and area 543 will remain open until 1200 hrs, A.l.t., September 18, 2003. Comments must be received at the following address no later than 4:30 p.m., A.l.t., September 12, 2003.

**ADDRESSES:** Comments may be mailed to Sue Salvesson, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802-1668, Attn: Lori Durall. Hand delivery or courier delivery of comments may be sent to NMFS at the Federal Building, 709 West 9th Street, Room 453, Juneau, AK 99801. Comments also may be sent via facsimile (fax) to (907) 586-7557. Comments will not be accepted if submitted via e-mail or Internet.

**FOR FURTHER INFORMATION CONTACT:** Andrew Smoker, (907) 586-7228.

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fishery in the BSAI exclusive economic zone 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. 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.

The 2003 TAC of Atka mackerel for gears other than jig in the Eastern Aleutian District and the Bering Sea subarea is 9,753 metric tons (mt) as established by the final 2003 harvest specifications for Groundfish of the BSAI (68 FR 9907, March 3, 2003).

As of August 7, 2003, 2,100 mt remain in the 2003 Eastern Aleutian District and Bering Sea subarea TAC of Atka mackerel for gears other than jig. Current information shows the catching capacity of vessels expected to fish Atka mackerel in Statistical Area 541 of the BSAI is about 2,500 mt per day. Regulations at § 679.23(b) specifies that the time of all openings and closures of fishing seasons, other than the beginning and end of the calendar fishing year, is 1200 hrs, A.l.t. However, the Administrator, Alaska Region, NMFS, has determined that the B season allowance of the Atka mackerel TAC could be exceeded if a 24-hour fishery were allowed to occur. NMFS intends that the seasonal allowance not be exceeded and, therefore, cannot allow a 24-hour directed fishery.

NMFS, in accordance with § 679.25(a)(1)(i) and § 679.25(a)(2)(i)(A), is adjusting the B season for Atka mackerel in the Eastern Aleutian District and Bering Sea subarea by opening the fishery at 2400 hrs, A.l.t., September 1, 2003, and closing the fishery at 1200 hrs, A.l.t., September 2, 2003, at which time directed fishing for Atka mackerel will be prohibited. This action has the effect of opening the fishery for 12 hours.

Regulations at § 679.20(a)(8)(iii)(C) require the HLA fisheries in areas 542 and 543 open 48 hours after the seasonal closure of area 541. To provide for openings in the subsequent HLA fisheries at 1200 hrs, A.l.t., the fishery in the Eastern Aleutian District and Bering Sea subarea is being opened at 2400 hrs, A.l.t., September 1, 2003, and closed at 1200 hrs, A.l.t., September 2, 2003.

In accordance with § 679.25(a)(2)(iii), NMFS has determined that prohibiting directed fishing at 1200 hrs, A.l.t., September 2, 2003, after a 12-hour opening is the least restrictive management adjustment to achieve the 2003 Atka mackerel TAC in Eastern Aleutian District and Bering Sea subarea and will allow other fisheries to

continue in noncritical areas and time periods. Pursuant to § 679.25(b)(2), NMFS has considered data regarding catch per unit of effort and rate of harvest in making this adjustment.

In accordance with § 679.20(a)(8)(iii)(C), the Regional Administrator is opening the first directed fisheries for Atka mackerel within the HLA in areas 542 and 543. These regulations require the opening to occur 48 hours after the closure of the area 541 Atka mackerel directed fishery. The Regional Administrator has established the opening date for the second HLA directed fisheries in areas 542 and 543 as 48 hours after the closure of the first HLA fisheries. NMFS is opening directed fishing for Atka mackerel in the HLA of areas 542 and 543 in accordance with the periods listed under the DATES section of this notice and as justified below.

In accordance with § 679.20(a)(8)(iii), vessels using trawl gear for directed fishing for Atka mackerel have previously registered with NMFS to fish in the HLA fisheries in areas 542 and/or 543. NMFS has randomly assigned each vessel to the directed fishery or fisheries for which they have registered. NMFS has notified each vessel as to which fishery each vessel has been assigned by NMFS. A notification of vessel assignments was published elsewhere in this issue.

In accordance with § 679.20(a)(8)(ii)(C)(1), the B season harvest limit of the seasonal TAC in areas 542 and 543 are 8,147 mt and 5,547 mt, respectively. Based on those seasonal apportionments and the proportion of the number of vessels in each platoon compared to the total number of vessels participating in the HLA directed fishery for area 542 or 543 during the B season, the harvest limit for each HLA directed fishery for areas 542 and 543 are as follows: For the first directed fishery in area 542, 4,074 mt; for the first directed fishery in area 543, 2,774 mt; for the second directed fishery in area 542, 4,074 mt; for the second directed fishery in area 543, 2,774 mt.

In accordance with § 679.20(a)(8)(iii)(E), the Regional Administrator has established the closure dates of the Atka mackerel directed fisheries in the HLA for areas 542 and 543 based on the amount of the harvest limit and the estimated fishing capacity of the vessels assigned to the respective fisheries. Consequently, NMFS is prohibiting directed fishing for Atka mackerel in the HLA of areas 542 and 543 in accordance with the periods listed under the DATES section of this notice.