

ACTION: Closure.

SUMMARY: NMFS is closing directed fishing for groundfish by vessels using trawl gear in the Gulf of Alaska (GOA), except for directed fishing for pollock by vessels using pelagic trawl gear in those portions of the GOA open to directed fishing for pollock. This action is necessary because the 1997 Pacific halibut prohibited species catch (PSC) limit for trawl gear in the GOA has been caught.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), November 26, 1997, until 1200 hrs, A.l.t., December 31, 1997.

FOR FURTHER INFORMATION CONTACT: Thomas Pearson, 907-486-6919.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the GOA exclusive economic zone is managed by NMFS 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. Fishing by U.S. vessels is governed by regulations implementing the FMP at subpart H of 50 CFR part 600 and 50 CFR part 679.

The Final 1997 Harvest Specifications of Groundfish for the GOA (62 FR 8179, February 24, 1997) established the 1997 Pacific halibut PSC limit for vessels using trawl gear at 2,000 metric tons (mt). The Administrator, Alaska Region, NMFS (Regional Administrator), has determined, in accordance with § 679.21(d)(7)(i), that vessels engaged in directed fishing for groundfish with trawl gear in the GOA have caught the 1997 Pacific halibut PSC limit. Therefore, NMFS is closing the directed fishery for groundfish by vessels using trawl gear in the GOA, except for directed fishing for pollock by vessels using pelagic trawl gear in those portions of the GOA that remain open to directed fishing for pollock.

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 exceeding the 1997 trawl Pacific halibut PSC limit. Providing prior notice and an opportunity for public comment on this action is impracticable and contrary to public interest. The fleet has taken the 1997 trawl Pacific halibut PSC limit in the GOA. Further delay would only result in the 1997 trawl Pacific halibut PSC limit being exceeded and disrupt

the FMP's objective of limiting trawl Pacific halibut mortality. NMFS finds for good cause that the implementation of this action cannot be delayed for 30 days. Accordingly, under U.S.C 553(d), a delay in the effective date is hereby waived.

This action is required by 50 CFR 679.21 and is exempt from review under E.O. 12866.

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

Dated: November 26, 1997.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
[FR Doc. 97-31595 Filed 11-26-97; 3:13 pm]

BILLING CODE 3510-22-F

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 679**

[Docket No. 961107312-7021-02; I.D. 112497E]

Fisheries of the Exclusive Economic Zone Off Alaska; Bycatch Rate Standards for the First Half of 1998

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

ACTION: Pacific halibut and red king crab bycatch rate standards; request for comments.

SUMMARY: NMFS announces Pacific halibut and red king crab bycatch rate standards for the first half of 1998. Publication of these bycatch rate standards is necessary under regulations implementing the vessel incentive program. This action is necessary to implement the bycatch rate standards for trawl vessel operators who participate in the Alaska groundfish trawl fisheries. The intent of this action is to reduce prohibited species bycatch rates and promote conservation of groundfish and other fishery resources.

DATES: Effective 1201 hours, Alaska local time (A.l.t.), January 20, 1998, through 2400 hours, A.l.t., June 30, 1998. Comments on this action must be received at the following address no later than 4:30 p.m., A.l.t., January 2, 1998.

ADDRESSES: Comments should be mailed to the Assistant Regional Administrator, Sustainable Fisheries Division, NMFS, P.O. Box 21668, Juneau, AK 99802-1668, Attn: Lori Gravel; or be delivered to 709 West 9th

Street, Federal Building, Room 401, Juneau, AK.

FOR FURTHER INFORMATION CONTACT: Alan Kinsolving, 907-586-7228.

SUPPLEMENTARY INFORMATION: The domestic groundfish fisheries in the exclusive economic zone of the Bering Sea and Aleutian Islands management area (BSAI) and Gulf of Alaska (GOA) are managed by NMFS according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area and the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMPs). The FMPs were prepared by the North Pacific Fishery Management Council (Council) under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and are implemented by regulations governing the U.S. groundfish fisheries at 50 CFR part 679.

Regulations at § 679.21(f) implement a vessel incentive program to reduce halibut and red king crab bycatch rates in the groundfish trawl fisheries. Under the incentive program, operators of trawl vessels may not exceed Pacific halibut bycatch rate standards specified for the BSAI and GOA midwater pollock and "other trawl" fisheries, and the BSAI yellowfin sole and "bottom pollock" fisheries. Vessel operators also may not exceed red king crab bycatch standards specified for the BSAI yellowfin sole and "other trawl" fisheries in Bycatch Limitation Zone 1 (defined in § 679.2). The fisheries included under the incentive program are defined in regulations at § 679.21(f)(2).

Regulations at § 679.21(f)(3) require that halibut and red king crab bycatch rate standards for each fishery included under the incentive program be published in the **Federal Register**. The standards are in effect for specified seasons within the 6-month periods of January 1 through June 30, and July 1 through December 31. Because the Alaskan groundfish fisheries are closed to trawling from January 1 to January 20 of each year (§ 679.23(c)), the Administrator, Alaska Region, NMFS (Regional Administrator) is promulgating bycatch rate standards for the first half of 1998 effective from January 20, 1998, through June 30, 1998.

As required by § 679.21(f)(4), bycatch rate standards are based on the following information:

(A) Previous years' average observed bycatch rates;

(B) Immediately preceding season's average observed bycatch rates;

(C) The bycatch allowances and associated fishery closures specified under §§ 679.20 and 675.21;
 (D) Anticipated groundfish harvests;
 (E) Anticipated seasonal distribution of fishing effort for groundfish; and
 (F) Other information and criteria deemed relevant by the Regional Administrator.

At its September 1997 meeting, the Council reviewed halibut and red king crab bycatch rates experienced by vessels participating in the fisheries under the incentive program during 1993–1997. Based on this and other information presented below, the Council recommended halibut and red king crab bycatch rate standards for the first half of 1998. These standards are unchanged from those specified for the past 4 years. The Council's recommended bycatch rate standards are listed in Table 1.

TABLE 1.—BYCATCH RATE STANDARDS, BY FISHERY AND QUARTER, FOR THE FIRST HALF OF 1998 FOR PURPOSES OF THE VESSEL INCENTIVE PROGRAM IN THE BSAI AND GOA

Fishery and quarter	1998 ¹
Halibut bycatch rate standards (kilogram (kg) of halibut/metric ton (mt) of groundfish catch)	
BSAI Midwater pollock:	
Qt 1	1.0
Qt 2	1.0
BSAI Bottom pollock:	
Qt 1	7.5
Qt 2	5.0
BSAI Yellowfin sole:	
Qt 1	5.0
Qt 2	5.0
BSAI Other trawl:	
Qt 1	30.0
Qt 2	30.0
GOA Midwater pollock:	
Qt 1	1.0
Qt 2	1.0
GOA Other trawl:	
Qt 1	40.0
Qt 2	40.0
Zone 1 red king crab bycatch rate standards (number of crab/mt of groundfish catch)	
BSAI yellowfin sole:	
Qt 1	2.5
Qt 2	2.5
BSAI Other trawl:	
Qt 1	2.5
Qt 2	2.5

¹ 1998 bycatch rate standard.

Bycatch Rate Standards for Pacific Halibut

As in past years, the halibut bycatch rate standard recommended for the BSAI and GOA midwater pollock

fisheries (1 kg halibut/mt of groundfish) is higher than the bycatch rates normally experienced by vessels participating in these fisheries. The recommended standard is intended to encourage vessel operators to maintain off-bottom trawl operations and limit further bycatch of halibut in the pollock fishery when halibut bycatch restrictions at § 679.21 prohibit directed fishing for pollock by vessels using non-pelagic trawl gear.

The recommended halibut bycatch rate standards for the BSAI "bottom pollock" fishery continue to approximate the average annual rates observed on trawl vessels participating in this fishery during 1993 (7.49 kg halibut/mt groundfish). Though the average bycatch rate has decreased since that time, the recommended halibut bycatch rate standards remain at a relatively high level to discourage unacceptably high halibut bycatch rates. During the first quarter of 1997, the average halibut bycatch rate in this fishery was only 1.35 kg halibut/mt groundfish. The pollock roe season begins January 20 and ends April 15. In 1997, the inshore and offshore component fisheries for pollock were closed 3 to 8 weeks prior to April 15, depending on the processing component and area. Directed fishing for pollock by the inshore and offshore component fisheries did not reopen until September 1, the start of the pollock nonroe season. Directed fishing for pollock by vessels participating in the community development quota program could continue after the end of roe season. However, the community development quota pollock fishery did not resume until just prior to September 1. As in past years, the directed fishing allowances specified for the 1998 pollock roe season likely will be reached before the end of the roe season on April 15.

Data available on halibut bycatch rates in the yellowfin sole fishery during the first and second quarters of 1997 showed an average bycatch rate of 6.1 and 5.0 kg halibut/mt of groundfish, respectively. As in past years, the Council has presumed that a bycatch rate standard of 5.0 kg halibut/mt of groundfish for the yellowfin sole fishery will continue to encourage vessel operators to take action to avoid excessively high bycatch rates of halibut.

For the "other trawl" fisheries, a 30-kg halibut/mt of groundfish bycatch rate standard was recommended for the BSAI and a 40-kg halibut/mt of groundfish bycatch rate standard was recommended for the GOA. Observer data collected from the 1997 BSAI

"other trawl" fishery show first and second quarter halibut bycatch rates of 8.9 and 10.1 kg halibut/mt of groundfish, respectively. Observer data collected from the 1997 GOA "other trawl" fishery show first and second quarter halibut bycatch rates of 20.3 and 63.7 kg halibut/mt of groundfish, respectively.

With the exception of the GOA second quarter "other trawl" fishery, the average bycatch rates experienced by vessels participating in the GOA and BSAI "other trawl" fisheries generally have been lower than the Council's recommended bycatch rate standards for these fisheries. The Council determined that its recommended halibut bycatch rate standards for the "other trawl" fisheries, including the second quarter GOA fishery, would continue to provide an incentive to vessel operators to avoid unusually high halibut bycatch rates while participating in these fisheries and contribute towards an overall reduction in halibut bycatch rates experienced in the Alaska trawl fisheries. Furthermore, these standards would provide some leniency to those vessel operators that choose to use large mesh trawl gear as a means to reduce groundfish discard amounts. The bycatch rates of halibut and crab could increase for those vessels using large mesh sizes, but observer data do not exist on which to base a revised bycatch rate standard. The Council recommended maintaining the current bycatch rate standards for the "other trawl" fisheries until observer data becomes available that would provide a basis for bycatch rate standards for vessels using large mesh trawl gear.

Bycatch Rate Standards for Red King Crab

For the BSAI yellowfin sole and "other trawl" fisheries in Zone 1 of the Bering Sea subarea, the Council's recommended red king crab bycatch rate standard is 2.5 crab/mt of groundfish. This standard is unchanged since 1992. The red king crab bycatch rates experienced by the yellowfin sole fishery in Zone 1 during the first and second quarters of 1997 averaged 0.07 and 0.13 crab/mt of groundfish, respectively. The average bycatch rates of red king crab experienced in the "other trawl" fishery during the first and second quarter of 1997 were 0.40 and 0.02 crab/mt groundfish, respectively. The low 1997 red king crab bycatch rates primarily were due to trawl closures in Zone 1 that were implemented to reduce red king crab bycatch. The yellowfin sole and Pacific cod fisheries were closed in Zone 1 on May 13 and April 23, respectively,

because *C. bairdi* Tanner crab bycatch allowances were reached.

During 1997 through October, the total bycatch of red king crab by vessels participating in the yellowfin sole and "other trawl" fisheries is estimated at 48,000 crab, considerably less than the 100,000 red king crab bycatch limit established for the trawl fisheries in Zone 1. NMFS anticipates that the 1998 red king crab bycatch rates in Zone 1 will be similar to those experienced in 1997 and that the red king crab bycatch limit will remain unchanged.

In spite of anticipated 1998 red king crab bycatch rates being significantly lower than 2.5 red king crab/mt of groundfish, the Council recommended the red king crab bycatch rate standards be maintained at this level to avoid unusually high crab bycatch rates while providing some leniency to those vessel operators who choose to use large mesh trawl gear as a means to reduce groundfish discard amounts.

The Regional Administrator has determined that Council recommendations for bycatch rate standards are appropriately based on the information and considerations necessary for such determinations under § 679.21(f). Therefore, the Regional Administrator concurs in the Council's determinations and recommendations for halibut and red king crab bycatch rate standards for the first half of 1998 as set forth in Table 1. These bycatch rate standards may be revised and published in the **Federal Register** when deemed appropriate by the Regional Administrator pending his consideration of the information set forth at § 679.21(f)(4).

As required in § 679.2 and § 679.21(f)(5), the 1998 fishing months are specified as the following periods for purposes of calculating vessel bycatch rates under the incentive program:

Month 1: January 1 through January 31;
Month 2: February 1 through February 28;
Month 3: March 1 through March 28;
Month 4: March 29 through May 2;
Month 5: May 3 through May 30;
Month 6: May 31 through June 27;
Month 7: June 28 through August 1;
Month 8: August 2 through August 29;
Month 9: August 30 through October 3;
Month 10: October 4 through October 31;
Month 11: November 1 through November 28; and
Month 12: November 29 through December 31.

Classification

This action is taken under 50 CFR 679.21(f) and is exempt from OMB review under E.O. 12866.

Authority: 16 U.S.C. 773 *et seq.*, 1801 *et seq.* and 3631 *et seq.*

Dated: November 26, 1997.

Bruce C. Morehead,

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

[FR Doc. 97-31707 Filed 12-2-97; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 970611133-7263-02; I.D. 052997B]

RIN 0648-AJ36

Fisheries of the Exclusive Economic Zone Off Alaska; Improved Retention/Improved Utilization

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

ACTION: Final rule.

SUMMARY: NMFS issues a final rule to implement Amendment 49 to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP). This final rule requires all vessels fishing for groundfish in the Bering Sea and Aleutian Islands Management Area (BSAI) to retain all pollock and Pacific cod beginning January 3, 1998, and all rock sole and yellowfin sole beginning January 1, 2003. This final rule also establishes a 15-percent minimum utilization standard for all at-sea processors beginning January 3, 1998, for pollock and Pacific cod and, beginning January 1, 2003, for rock sole and yellowfin sole. This action is necessary to respond to the fishing industry's socioeconomic needs that have been identified by the North Pacific Fishery Management Council (Council) and is intended to further the goals and objectives of the FMP.

DATES: Effective January 3, 1998.

ADDRESSES: Copies of Amendment 49 and the Environmental Assessment/Regulatory Impact Review/Final Regulatory Flexibility Analysis (EA/RIR/FRFA) prepared for this action may be obtained from NMFS, P.O. Box 21668, Juneau, AK 99802, Attn: Lori J. Gravel. Send comments regarding burden estimates or any other aspect of the data requirements, including suggestions for reducing the burdens, to NMFS and to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20503, Attn: NOAA Desk Officer.

FOR FURTHER INFORMATION CONTACT: Kent Lind, 907-586-7228.

SUPPLEMENTARY INFORMATION: The domestic groundfish fisheries in the exclusive economic zone of the BSAI are managed by NMFS under the FMP. The FMP was prepared by the Council under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Regulations governing the groundfish fisheries of the BSAI appear at 50 CFR parts 600 and 679.

At its September 1996 meeting, the Council adopted Amendment 49 to the FMP and recommended that NMFS prepare a rulemaking to implement the amendment. A notice of availability of Amendment 49 was published in the **Federal Register** on June 5, 1997 (62 FR 30835), and invited comment on the amendment through August 4, 1997. A proposed rule to implement Amendment 49 was published in the **Federal Register** on June 26, 1997 (62 FR 34429). Comments on the proposed rule were invited through August 11, 1997. A total of twelve letters of comment on the amendment and/or the proposed rule were received. Nine letters of comment were received by the end of the comment period on Amendment 49. Of these nine, two comments opposed Amendment 49, and seven comments supported approval but recommended changes to the proposed rule. Of the three letters of comment received after the end of the comment period on the amendment but before the end of the comment period on the proposed rule, two opposed Amendment 49 and implementation of the proposed rule. One supported approval of Amendment 49 but recommended changes to the proposed rule. Comments on both the amendment and the proposed rule are summarized and responded to in the Response to Comments section below.

Upon reviewing the reasons for Amendment 49 to the FMP and the comments on the proposed rule to implement it, NMFS determined that this action is necessary for the conservation and management of the groundfish fishery of the BSAI. NMFS approved Amendment 49 on September 3, 1997, under section 304(a) of the Magnuson-Stevens Act. Additional information on this action may be found in the preamble to the proposed rule and in the EA/RIR/FRFA.

The Council also adopted a parallel Amendment 49 to the Fishery Management Plan for Groundfish of the Gulf of Alaska (GOA) in June 1997 and recommended that NMFS prepare a rulemaking to extend the Improved