

Dated: March 5, 1997.
 Gary C. Matlock,
 Director, Office of Sustainable Fisheries,
 National Marine Fisheries Service.
 [FR Doc. 97-5876 Filed 3-5-97; 4:30 pm]
 BILLING CODE 3510-22-F

50 CFR Part 679

[Docket No. 961220363-7038-02; I.D. 120296B]

RIN 0648-A165

Fisheries of the Exclusive Economic Zone Off Alaska; Maximum Retainable Bycatch Percentages

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

ACTION: Final rule.

SUMMARY: NMFS implements a regulatory amendment to reduce maximum retainable bycatch percentages for sablefish in the Gulf of Alaska (GOA) groundfish trawl fisheries and to allow the use of GOA arrowtooth flounder as a basis species for the retention of bycatch amounts of pollock and Pacific cod when either of these two species is closed to directed fishing. This action is necessary to slow the harvest rate of GOA sablefish and to provide for fuller utilization of pollock and Pacific cod incidentally taken in the arrowtooth flounder fishery. This action is intended to further the objectives of the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP).

EFFECTIVE DATE: April 10, 1997.

ADDRESSES: Copies of the environmental assessment/regulatory impact review prepared for this action may be obtained from the Fisheries Management Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802, Attn: Lori Gravel.

FOR FURTHER INFORMATION CONTACT: Sue Salvesson, 907-586-7228.

SUPPLEMENTARY INFORMATION: Fishing for groundfish by U.S. vessels in the

exclusive economic zone of the GOA is managed by NMFS according to the FMP. The FMP was prepared by the North Pacific Fishery Management Council (Council) under authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens 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.

Regulations at § 679.20(e) establish maximum retainable bycatch (MRB) percentages for groundfish species or species groups. These MRB percentages establish the amount of a species that is closed to directed fishing that may be retained on board a vessel, relative to amounts of other retained species open to directed fishing.

At the Council's September 1996 meeting, the Council requested that NMFS initiate rulemaking to change several MRB percentages. This request was in response to (1) concerns about the extent to which some existing MRB percentages allow vessel operators to top off their retained catch of bycatch species up to the MRB amount and (2) testimony that a limited fishery for GOA arrowtooth flounder exists and that this species should be allowed as a basis species for the retention of pollock and Pacific cod. A proposed rule to implement the Council's recommended changes was published in the Federal Register on January 6, 1997 (62 FR 724). No comments were received within the public comment period that ended February 5, 1997.

This final rule implements the following changes to the MRB percentages established for GOA groundfish:

1. The MRB percentage for sablefish relative to deep water species is reduced from 15 percent to 7 percent; and
2. The use of GOA arrowtooth flounder is allowed as a basis species for the retention of pollock and Pacific cod. An MRB of 5 percent of each these species relative to arrowtooth flounder is established.

Further justification of these changes is discussed in the preamble to the proposed rule.

Changes from the proposed rule

NMFS clarifies § 679.20(f)(2) so that regulatory constraints to using arrowtooth flounder as a basis to calculate retained amounts of other groundfish species are consistent with the allowances provided under the final rule for GOA pollock and Pacific cod.

Classification

The Assistant General Counsel for Legislation and Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this rule would not have a significant economic impact on a substantial number of small entities. The reasons were published in the Federal Register with the proposed rule (62 FR 724, January 6, 1997). No comments were received regarding this certification. As a result, a regulatory flexibility analysis was not prepared.

This proposed rule has been determined to be not significant for purposes of E.O. 12866.

List of Subjects in 50 CFR Part 679

Fisheries, Reporting and recordkeeping requirements.

Dated: March 3, 1997.

Nancy Foster,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 679 is amended as follows:

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

1. The authority citation for part 679 continues to read as follows:

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

2. In part 679, Table 10 is revised to read as follows:

TABLE 10 TO PART 679.—CURRENT GULF OF ALASKA RETAINABLE PERCENTAGES

	Pollock	Pacific cod	Deep flatfish	Rex sole	Bycatch species ¹				Aggregated rockfish ²	DSR SEEO ⁴	Atka mackerel	Other species
					Flathead sole	Shallow flatfish	Arrowtooth	Sablefish				
Basis Species:												
Pollock	³ na	20	20	20	20	20	35	1	5	10	20	20
Pacific cod	20	³ na	20	20	20	20	35	1	5	10	20	20
Deep flatfish	20	20	³ na	20	20	20	35	7	15	1	20	20
Rex sole	20	20	20	³ na	20	20	35	7	15	1	20	20
Flathead sole	20	20	20	20	³ na	20	35	7	15	1	20	20
Shallow flatfish	20	20	20	20	20	³ na	35	1	5	10	20	20
Arrowtooth	5	5	0	0	0	0	³ na	0	0	0	0	0
Sablefish	20	20	20	20	20	20	35	³ na	15	1	20	20
Pacific Ocean perch	20	20	20	20	20	20	35	7	15	1	20	20
Shortraker/rougheye	20	20	20	20	20	20	35	7	15	1	20	20

TABLE 10 TO PART 679.—CURRENT GULF OF ALASKA RETAINABLE PERCENTAGES—Continued

	Pollock	Pacific cod	Deep flatfish	Rex sole	Bycatch species ¹				Aggregated rockfish ²	DSR SEEO ⁴	Atka mackerel	Other species
					Flathead sole	Shallow flatfish	Arrowtooth	Sablefish				
Other rockfish	20	20	20	20	20	20	35	7	15	1	20	20
Northern rockfish	20	20	20	20	20	20	35	7	15	1	20	20
Pelagic rockfish	20	20	20	20	20	20	35	7	15	1	20	20
DSR-SEEO	20	20	20	20	20	20	35	7	15	³ na	20	20
Thornyhead	20	20	20	20	20	20	35	7	15	1	20	20
Atka mackerel	20	20	20	20	20	20	35	1	5	10	³ na	20
Other species	20	20	20	20	20	20	35	1	5	10	20	³ na
Aggregated amount non-groundfish species	20	20	20	20	20	20	35	1	5	10	20	20

¹ For definition of species, see Table 1 of the Gulf of Alaska groundfish specifications.

² Aggregated rockfish means rockfish of the genera Sebastes and Sebastolobus except in the southeast Outside District where demersal shelf rockfish (DSR) is a separate category.

³ na=not applicable.

⁴ SEEO=Southeast Outside District.

3. In § 679.20, paragraph (f)(2) is revised to read as follows:

§ 679.20 General limitations.

* * * * *

(f) * * *

(2) *Retainable amounts.* Except as provided in Table 10 to this part, arrowtooth flounder, or any groundfish species for which directed fishing is closed, may not be used to calculate

retainable amounts of other groundfish species.

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