

analysis of these specifications and a discussion of current Council actions that may affect the 1997 specifications of maximum optimum yield for *Loligo*

and *Illex* squid and ABC for Atlantic mackerel are contained in the proposed rule and are not repeated here.

The following table contains the final initial specifications for the 1997 Atlantic mackerel, *Loligo* and *Illex* squids, and butterfish fisheries.

FINAL INITIAL ANNUAL SPECIFICATIONS FOR ATLANTIC MACKEREL, SQUID, AND BUTTERFISH FOR THE FISHING YEAR
JANUARY 1 THROUGH DECEMBER 31, 1997

[mt]

Specifications	Squid		Atlantic mackerel	Butterfish
	<i>Loligo</i>	<i>Illex</i>		
Max OY ¹	² 36,000	³ 30,000	N/A	16,000
ABC ⁴	21,000	19,000	⁵ 1,178,000	7,200
IOY	21,000	19,000	90,000	5,900
DAH	21,000	19,000	⁶ 90,000	5,900
DAP	21,000	19,000	50,000	5,900
JVP	25,000
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¹ Maximum optimum yield (Max OY) equals Maximum Sustainable Yield.

² 26,000 mt if overfishing threshold in Amendment 6 is approved.

³ 24,000 mt if overfishing threshold in Amendment 6 is approved.

⁴ IOY can increase to this amount.

⁵ 383,000 if overfishing definition in Council's resubmission of measures disapproved in Amendment 5 is approved.

⁶ Contains 15,000 estimated recreational catch.

NMFS also announces that four special conditions imposed in previous years continue to be imposed on the 1997 Atlantic mackerel fishery as follows: (1) Joint ventures would be allowed south of 37°30' N. latitude, but river herring bycatch may not exceed 0.25 percent of the over-the-side transfers of Atlantic mackerel; (2) the Administrator, Northeast Region, NMFS (Regional Administrator) should ensure that impacts on marine mammals are reduced in the prosecution of the Atlantic mackerel fishery; (3) the mackerel OY may be increased during the year, but the total should not exceed ABC; and (4) applications from a particular nation for a joint venture for 1997 will not be decided on until the Regional Administrator determines, based on an evaluation of performances, that the nation's purchase obligations for previous years have been fulfilled.

Classification

The Regional Administrator has determined that this final rule is necessary for the conservation and management of the Atlantic mackerel, squid, and butterfish fisheries and that it is consistent with the Magnuson-Stevens Fishery Conservation and Management Act and other applicable law.

This action is authorized by 50 CFR part 648, and these final initial specifications are exempt from review under E.O. 12866.

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 discussed in the proposed rule published December 11, 1996 (61 FR 65192). No comments were received regarding this certification. As a result, a regulatory flexibility analysis was not prepared.

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

Dated: March 3, 1997.

Nancy Foster,
Acting Assistant Administrator for Fisheries,
National Marine Fisheries Service.
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National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 961107312-7012-02; I.D. 022897D]

Fisheries of the Exclusive Economic Zone Off Alaska; Species in the Rock Sole/Flathead Sole/"Other Flatfish" Fishery Category by Vessels Using Trawl Gear in Bycatch Limitation Zone 1

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

ACTION: Closure.

SUMMARY: NMFS is closing directed fishing for species in the rock sole/flathead sole/"other flatfish" fishery

category by vessels using trawl gear in Bycatch Limitation Zone 1 (Zone 1) of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the 1997 bycatch allowance of *C. bairdi* Tanner crab apportioned to the trawl rock sole/flathead sole/"other flatfish" fishery category in Zone 1.

EFFECTIVE DATE: 1200 hrs, Alaska local time (A.l.t.), March 4, 1997, until 2400 hrs, A.l.t., December 31, 1997.

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

SUPPLEMENTARY INFORMATION: The groundfish fishery in the BSAI exclusive economic zone is managed by NMFS 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. 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 bycatch allowance of red king crab for the BSAI trawl rock sole/flathead sole/"other flatfish" fishery category, which is defined at § 679.21(e)(3)(iv)(B)(2), was established by the Final 1997 Harvest Specifications of Groundfish (62 FR 7168, February 18, 1997) as 394,736 animals.

In accordance with § 679.21(e)(7)(ii), the Administrator, Alaska Region, NMFS, has determined that the 1997 bycatch allowance of *C. bairdi* Tanner crab apportioned to the trawl rock sole/flathead sole/"other flatfish" fishery in

Zone 1 has been caught. Consequently, NMFS is prohibiting directed fishing for species in the rock sole/flathead sole/ "other flatfish" fishery category by vessels using trawl gear in Zone 1.

Maximum retainable bycatch amounts for applicable gear types may be found in the regulations at § 679.20(e) and (f).

Classification

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: March 3, 1997.

Bruce Morehead,

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

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