

**Classification**

This rule is exempt from review under E.O. 12866.

Dated: May 8, 1997.

**Gary Matlock,**

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

[FR Doc. 97-12620 Filed 5-13-97; 8:45 am]

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

[Docket No. 961107312-7021-02; I.D. 050797A]

**Fisheries of the Exclusive Economic Zone Off Alaska; Yellowfin Sole by Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands**

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

**ACTION:** Modification of a closure.

**SUMMARY:** NMFS is opening directed fishing for yellowfin sole by vessels using trawl gear in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to fully utilize the second seasonal bycatch allowance of Pacific halibut apportioned to the trawl yellowfin sole fishery category in the BSAI.

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), May 9, 1997, through 2400 hrs, A.l.t., December 31, 1997.

**FOR FURTHER INFORMATION CONTACT:** Andrew N. 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.

Directed fishing for yellowfin sole by vessels using trawl gear in the BSAI was prohibited on April 29, 1997 (62 FR 24058, May 2, 1997) to prevent exceeding the second seasonal bycatch allowance of Pacific halibut apportioned to that fishery.

The Administrator, Alaska Region, NMFS, has determined that as of May 3,

1997, 20 metric tons of halibut mortality remain in the second seasonal bycatch allowance. Therefore, NMFS is terminating the previous closure and is opening directed fishing for yellowfin sole by vessels using trawl gear in the BSAI. The third seasonal bycatch allowance of yellowfin sole by vessels using trawl gear in the BSAI becomes available on May 11, 1997.

All other closures remain in full force and effect.

**Classification**

This action is required by § 675.20 and is exempt from review under E.O. 12866.

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

Dated: May 8, 1997.

**Gary C. Matlock,**

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

[FR Doc. 97-12619 Filed 5-9-97; 1:29 pm]

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

[Docket No. 961107312-7021-02; I.D. 050797C]

**Fisheries of the Exclusive Economic Zone Off Alaska; Shortraker and Rougheye Rockfish in the Aleutian Islands Subarea**

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

**ACTION:** Inseason adjustment; request for comments.

**SUMMARY:** NMFS issues an inseason adjustment prohibiting retention of Pacific cod and Greenland turbot in the Aleutian Islands subarea of the Bering Sea and Aleutian Islands management area (BSAI) by vessels using hook-and-line gear. This action is necessary to prevent overfishing of the shortraker/rougheye rockfish species group.

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), May 10, 1997, until 2400 hrs, A.l.t., December 31, 1997.

Comments must be received at the following address no later than 1630 hrs, A.l.t., May 27, 1997.

**ADDRESSES:** Comments may be sent to Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802, Attn. Lori Gravel, or be delivered to the fourth floor of the Federal

Building, 709 West 9th Street, Juneau, AK.

**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 Magnuson-Stevens Act requires that conservation and management measures prevent overfishing. The 1997 overfishing level for the shortraker/rougheye rockfish species group in the Aleutian Islands subarea of the BSAI is established by the Final 1997 Harvest Specifications of Groundfish for the BSAI (62 FR 7168, February 18, 1997) as 1,250 metric tons (mt) and the acceptable biological catch as 938 mt. As of April 26, 1997, 1,189 mt of shortraker/rougheye rockfish have been caught.

NMFS closed directed fishing for shortraker/rougheye rockfish in the Aleutian Islands subarea in the Final 1997 Harvest Specifications of Groundfish for the BSAI and prohibited retention of shortraker/rougheye rockfish on April 2, 1997 (62 FR 16736, April 8, 1997). The trawling season for Atka mackerel and rockfish of the genus *Sebastes* and *Sebastolobus* was closed April 21, 1997 (62 FR 20129, April 25, 1997) to prevent overfishing of shortraker/rougheye. Substantial hook-and-line fishing effort will be directed at remaining amounts of Pacific cod and Greenland turbot in the Aleutian Islands subarea during 1997. These fisheries can have significant bycatch of shortraker/rougheye rockfish.

The Administrator, Alaska Region, NMFS, has determined, in accordance with § 679.25(a)(1)(i) and (a)(2)(iii), that closing the seasons by prohibiting retention of Pacific cod and Greenland turbot in the Aleutian Islands subarea by vessels using hook-and-line gear is necessary to prevent overfishing of the shortraker/rougheye rockfish species group, and are the least restrictive measures to achieve this purpose. Without this prohibition of retention, significant incidental catch of shortraker/rougheye rockfish would occur by hook-and-line vessels targeting Pacific cod and Greenland turbot.

Therefore, NMFS is requiring that further catches of Pacific cod and Greenland turbot by vessels using hook-and-line gear in the Aleutian Islands subarea of the BSAI be treated as prohibited species in accordance with § 679.21(b)(2).

The Assistant Administrator for Fisheries, NOAA, finds for good cause that providing prior notice and public comment or delaying the effective date of this action is impracticable and contrary to the public interest. Immediate effectiveness is necessary to prevent overfishing of shortraker/rougheye rockfish in the Aleutian Islands subarea of the BSAI. Under § 679.25(c)(2), interested persons are invited to submit written comments on this action to the above address until May 27, 1997.

**Classification**

This action is required by § 679.20 and is exempt from review under E.O. 12866.

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

Dated: May 8, 1997.

**Gary Matlock,**

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

[FR Doc. 97-12621 Filed 5-9-97; 1:29 pm]

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