

Seventh Street, SW, Washington, DC 20590-0001, Telephone (202) 366-8553.

ADDRESSES: The public workshop will be held in Room 8236-40, U.S. Department of Transportation, 400 Seventh Street, SW, Washington, DC.

SUPPLEMENTARY INFORMATION: RSPA received general requests for clarification concerning the size and placement of the marking required by § 171.5(b) of the Hazardous Materials Regulations (49 CFR parts 171-180). This temporary marking requirement was adopted in an interim final rule (IFR) published in the **Federal Register** on February 19, 1997 [62 FR 7638]. The marking dimensions specified in the IFR are the minimum acceptable size markings. It is permissible to make the marking proportionally larger. Also, in the IFR, RSPA did not indicate the exact location for placing this marking on the cargo tank. On February 21, 1997, RSPA responded to a request for clarification from the National Tank Truck Carriers, Inc. by stating that the marking should be placed at or near a tank's specification plate.

In the IFR, RSPA announced that two public workshops would be held in Washington, DC. The first workshop was held on March 4-5, 1997. It served as a forum for exchange of information and ideas concerning emergency discharge control systems on cargo tanks. The second workshop, now scheduled for April 16-17, 1997, will focus on review of prototype designs for proposed product discharge control systems, and a review of research and development actions initiated by industry to meet the requirements specified in the HMR.

Issued in Washington, DC, on March 31, 1997.

Alan I. Roberts,

Associate Administrator for Hazardous Materials Safety.

[FR Doc. 97-8612 Filed 4-3-97; 8:45 am]

BILLING CODE 4910-60-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 229

[Docket No. 960730211-7066-03; I.D. No. 031797D]

North Atlantic Right Whale Protection; Emergency Regulations

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

ACTION: Emergency interim rule.

SUMMARY: This emergency interim rule implements restrictions on use of lobster pot gear in the Cape Cod Bay right whale critical habitat from April 1, 1997, through May 15, 1997. It also prohibits lobster pot fishing in the Great South Channel right whale critical habitat area from April 1, 1997, through June 30, 1997, until gear modifications or alternative fishing practices that minimize the risk of entanglement or reduce the likelihood that entanglement will result in serious injury or mortality are developed and approved.

EFFECTIVE DATE: This rule is effective from April 1, 1997, through June 30, 1997.

ADDRESSES: Copies of the Environmental Assessment analyzing this action may be obtained from the Chief, Marine Mammal Division, Office of Protected Resources (FPR), NMFS, 1315 East West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Michael Payne, NMFS/Marine Mammal Division/Office of Protected Resources, 301-713-2322; or Kimberly Thounhurst, NMFS/Northeast Regional Office/Protected Species Program, 508-281-9138.

SUPPLEMENTARY INFORMATION:

Need for Emergency Action

With a minimum population estimate of 295 animals, the northern right whale is the most severely depleted large whale species in the Atlantic Ocean. Approximately 37 entanglements of right whales in fishing gear, including fixed and drift gillnets, lobster pot gear, fish traps, weirs, and unidentified gear have been reported. Nine of the above entanglements, eight of which resulted in serious injury or mortality, were attributed to gear identified as lobster gear. The working definition of serious injury used by the Northeast Region is provided in the 1997 List of Fisheries (62 FR 33, January 2, 1997). Pursuant to Section 118(g)(1)(B) of the Marine Mammal Protection Act (MMPA), if the Secretary of Commerce (Secretary) finds that the incidental mortality and serious injury of a marine mammal stock is having, or is likely to have, an immediate and significant adverse impact on that stock or species, and in the case where a take reduction plan (TRP) is being developed, the Secretary shall prescribe emergency regulations to reduce such incidental mortality and serious injury in that fishery and approve and implement, on an expedited basis, such plan, which shall

provide methods to address such adverse impact if still necessary.

In the case of the northern right whale, NMFS has determined, through consultation under the Endangered Species Act (ESA), that the continued existence of the species may be jeopardized by the use of lobster pot gear during the annual high use periods in both the Federal portion of the Cape Cod Bay critical habitat (January 1, 1997, through May 15) and in the Great South Channel critical habitat area (April 1 through June 30). The consultation concluded that the risk of jeopardy could be avoided by closing the Great South Channel critical habitat area during the period of peak whale abundance until gear modifications or alternative fishing practices have been developed which minimize the threat of entanglement or the possibility of serious injury or mortality due to entanglement. The biological opinion also recommended that NMFS work with the Commonwealth of Massachusetts to restrict or modify the lobster fishery in the Cape Cod Bay critical habitat. The conclusion of the biological opinion was based on the following factors: (1) In 20 of the past 27 years, the right whale population has incurred human-induced serious injury or mortality at a rate that continues to limit the species' ability to recover to its optimum sustainable population level, (2) the population remains at a critically low level and experienced an unusually high number of known mortalities in 1996, and (3) right whales have incurred serious injury and mortality incidental to the lobster pot fishery.

Areas designated under the ESA as critical habitat areas for the northern right whale were chosen to encompass areas of concentration for the species (See 50 CFR 226.13). Although individual right whales may transit much of the eastern coast of North America, large numbers of whales are likely to remain in the critical habitat areas throughout the peak months. Peak months include January or February through May in Cape Cod Bay and April through June in the Great South Channel. Identifying high risk times and areas for right whales is somewhat problematic because, although the location for most recorded entanglement events is unknown, entanglements are known to have occurred either at the very end of the peak spring period or at other times of the year. An analysis of fishing effort data indicates that the critical habitat areas do not have significant fishing effort in the peak whale abundance months. Despite low fishing effort levels, NMFS assigns high risk to critical habitat areas during peak

whale abundance months. Even a small amount of fishing effort represents an entanglement risk when numbers of whales in the area are high. Protection for right whales in critical habitat areas during non-peak months is expected to be addressed in the proposed rule for the Atlantic TRP, which is currently being developed.

Pursuant to the 1994 amendments to the MMPA, NMFS established an Atlantic large whale take reduction team (TRT) to recommend measures to reduce the number of serious injuries and mortalities of right, humpback, finback, and minke whales in four East Coast fisheries. Although the TRT did not reach consensus on all issues it did submit a report to NMFS on February 4, 1997, that discusses measures to restrict the lobster fishery in critical habitat. Many of the measures were based on the NMFS biological opinion and on the Commonwealth of Massachusetts right whale conservation plan submitted to the Federal district court for the District of Massachusetts on December 16, 1996, pursuant to a court order in the case of *Strahan v. Coxe*. NMFS plans to publish the proposed rule for the TRP by April 1, 1997, and the final plan and implementing regulations by July 15, 1997.

Although these dates represent an expedited schedule, the TRP will not be implemented in time to provide protection for right whales in the critical habitat area during high use periods in 1997. Due to the conclusion in the biological opinion issued under the ESA and the factors upon which that conclusion was based, NMFS has determined that the American lobster pot fishery has the potential to continue to take northern right whales and is therefore likely to have an immediate and significant adverse impact on the northern right whale population. Since the potential immediate and significant adverse impact cannot be addressed by the TRP until July 1997, NMFS is implementing fishing restrictions in critical habitat areas on an emergency basis. The measures contained in the emergency regulations are also being considered within the framework of the proposed rule for the entire Atlantic large whale TRP, which is currently being developed.

Rationale for Gear Restrictions and Closures

The emergency measures are a set of initial measures addressing the immediate need to begin the process of reducing entanglement risk to northern right whales incidental to the lobster pot fishery. These measures include both gear restrictions and closures in

portions of right whale critical habitat in Cape Cod Bay and the Great South Channel. Gear restrictions are required only in areas where serious entanglements are less likely to occur, and where it is more probable that, if an entanglement does occur, it will be observed. Restrictions on the use of all lobster pot gear are being required where serious entanglements are more likely to occur and where entanglements are less likely to be observed. For example, the Cape Cod Bay area is closer to shore than the Great South Channel, so entanglements are more likely to be observed and reported in Cape Cod Bay, and it is more likely that a successful disentanglement could be conducted in the Bay than in the Channel. Therefore, certain gear modifications are exempted in the Federal portion of the Cape Cod Bay critical habitat, but no modifications are approved for use in the Great South Channel at this time. The gear modifications exempted by this action for Cape Cod Bay are expected to substantially reduce the risk of entanglement, but NMFS recognized that the risk is not totally eliminated and that a serious injury or mortality in the exempted gear could occur. Therefore, this emergency action also includes a contingency measure, as described below, to close the Federal portion of the Cape Cod Bay critical habitat area in the event of a documented failure of the modified lobster pot gear.

Behavior of right whales and information from actual entanglement records suggest that both vertical buoy lines and groundlines (line connecting pots in a lobster pot trawl) used in lobster pot gear represent entanglement risks and that either part of the gear might be the part initially encountered by the whale. Modifications to the current practices of rigging buoy lines are needed to reduce the number of vertical lines.

Buoy lines are typically constructed of a section of sinking line near the surface, spliced or knotted to a longer section of floating line from there down to the anchor. Sinking line near the surface is preferred to decrease the chance that the line will be severed by propellers of vessels passing through an area. Floating line is less expensive than sinking line and has several additional benefits. For example, using floating line near the bottom can prevent the line from wrapping around the first pot and causing chafing problems with the pot and the bottom. The length of buoy line used can depend on water depth and tidal influence. In some areas the buoy line may be longer than twice the

water depth. The tautness of the line is likely influenced by the tidal cycle and other currents. Therefore, the line may be slack during part of the current cycles in certain areas. It is believed that slack floating line represents a greater risk of entanglement than taut line, particularly if the line is laying on the surface. Right whales may be particularly susceptible to entanglement in lines laying at the surface because of the feeding behavior known as "skim feeding" during which whales move slowly forward through a patch of zooplankton, keeping the mouth slightly ajar for hours at a time. Right whales are also known to feed at depth; however, the behavior when feeding near the bottom or in the water column is poorly understood. A requirement that buoy line include only sinking line would decrease the potential for line to be slack at the surface or in the water column and thereby reduce the risk of entanglement represented by buoy lines.

The lobster industry uses either sinking or floating groundline, depending on substrate and/or gear densities. Floating line is preferred in many areas to avoid snagging on rocky bottom or on other pots as well as to reduce chafing caused by contact with pots and with the bottom. The degree to which line floats between pots is unknown. Fishers maintain that the groundline is probably taut as the pot trawls are set. The tautness of the line is likely influenced by the tidal cycle and other currents, the length of the trawl, and the speed with which the trawl is set. If trawls are shifted by currents, groundlines may have a higher profile after the gear has been soaking through several tidal/current cycles. In addition, right whales are known to feed close enough to the bottom in certain areas that mud is still present on the heads after surfacing. Therefore, even a modest curve to the groundline could still represent an entanglement threat, particularly since the length of groundline between pots may be as long as the depth of the water column. The requirement of sinking groundline would reduce the potential for a high profile of the groundline and, therefore, reduce the entanglement threat represented by that part of the pot trawl.

Cape Cod Bay: The Commonwealth of Massachusetts established an Endangered Whale Working Group (EWWG) and developed measures to protect right whales in the portion of Cape Cod Bay critical habitat area located in Commonwealth waters. The EWWG recommended several gear modifications to reduce the threat of right whale entanglement in lobster pot gear in the Cape Cod Bay critical

habitat, and these measures were also discussed by the TRT. Oceanographic conditions were also taken into account. The measures recommended by the EWWG for critical habitat during the January 1 through May 15 period included prohibitions on floating buoy line and floating groundline, prohibition on use of single pots (i.e., a mandated use of multiple-pot trawls) to reduce the number of vertical lines, and an eventual requirement of a breakaway buoy or weak buoy line, when developed. NMFS has reviewed these measures and has determined that, in general, they represent a reasonable approach to reduce the risk that right whales will be seriously injured or sustain mortality as a result of entanglements in lobster gear. Consequently, NMFS is not duplicating those measures applicable to State waters in this emergency rule. However, there is a small portion of the Cape Cod Bay critical habitat area that is outside of Commonwealth waters. NMFS' emergency measures for the federal water portion of Cape Cod Bay critical habitat are largely based on the measures developed by Massachusetts. This rule requires the removal of all lobster pots from the waters of the Cape Cod Bay critical habitat area through May 15, 1997, unless the gear is exempt. Exempt gear consists of trawls of two or more pots; trawls of less than four pots may use only one vertical line and trawls of four or more pots may use no more than two vertical lines. All buoy lines and groundlines must be sinking lines. NMFS believes these measures will reduce the risk of entanglement and/or serious injury or mortality due to entanglement in buoy lines and groundlines in this area.

The TRT recommended the use of breakaway buoys or weak buoy lines to reduce the potential for a whale to become wrapped in the buoy line and sustain serious injury or mortality from either the buoy line itself or from dragging the whole lobster pot trawl. It is believed that these measures would be more effective at reducing the risk associated with buoy lines than the measures imposed by this emergency action. However, since breakaway buoys and weak buoy lines have not yet been developed, these measures cannot be required at this time. Therefore, despite the implementation of the measures required by this emergency action in Federal waters and by the Commonwealth of Massachusetts in its waters, some risk of serious injury or mortality due to entanglement in buoy lines remains. Thus, a provision is included in this emergency action that

would allow the Assistant Administrator of Fisheries, NOAA (AA) to close, through notification in the **Federal Register**, the Cape Cod Bay critical habitat area, including both the Federal and Commonwealth portions, from January 1 through May 15 if a right whale sustains serious injury or mortality that is conclusively attributed to lobster pot gear that is exempted by NMFS or allowed by the Commonwealth. The AA may reopen the area through notification in the **Federal Register** once alternative gear modifications or fishing practices are approved.

Great South Channel: The Great South Channel critical habitat area, which is located entirely in federal waters, is further from shore than the Cape Cod Bay area. Therefore, entanglements are less likely to be observed, and successful disentanglement is less likely due to logistical constraints. In addition, differences in oceanographic conditions in the two regions may make a particular gear modification less effective in one area relative to the other. NMFS is currently working with the Commonwealth of Massachusetts to establish a gear modification advisory and technical review group. This group will be asked to consider oceanographic conditions in the Great South Channel in recommending gear modifications that might be effective and practicable in that area. Because the gear measures required by this rule for Cape Cod Bay have not been reviewed in the context of oceanographic conditions in the Great South Channel, NMFS believes that similar measures may not provide sufficient protection for right whales in that area. Consequently, NMFS is imposing a closure of the Great South Channel critical habitat area from April 1, 1997 through June 30, 1997. However, this action includes a provision for exemptions to this closure once gear modifications or alternative fishing practices are developed and approved by the AA. Once a determination has been made that the gear modifications or alternative fishing practices provide adequate protection for right whales from the risk of entanglement and/or serious injury or mortality due to entanglement, these gear modifications or alternative fishing practices will be approved through a notification action in the **Federal Register**.

In consideration of the possibility that gear modifications may be approved by this season and gear with such modifications exempted from the closure at some point during the April through June period, this emergency action also contains a contingency

similar to that for Cape Cod Bay that would allow the AA to again close the area through notification in the **Federal Register** if a right whale sustains serious injury or mortality that is conclusively attributed to lobster pot gear exempted by NMFS.

Classification

In accordance with Section 118(g) of the MMPA, NMFS has determined that this rule is necessary to respond to the potential for immediate and significant adverse impact to the northern right whale population incidental to the prosecution of the American lobster pot fishery.

The AA also finds for good cause that the reasons justifying implementation of this rule on an emergency basis make it impracticable and contrary to the public interest to provide additional notice and opportunity for public comment.

Similarly, the AA is waiving the 30-day delay in the effective date otherwise required under 5 U.S.C. 553(d).

Because notice and opportunity for comment is not required by 5 U.S.C. 553 or by any other law, under 5 U.S.C. 603 and 604, preparation of a regulatory flexibility analysis is not required.

List of Subjects in 50 CFR Part 229

Administrative practice and procedure, Confidential business information, Fisheries, Marine mammals, Reporting and recordkeeping requirements.

Dated: April 1, 1997.

Charles Karnella,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 229 is amended to read as follows:

PART 229—AUTHORIZATION FOR COMMERCIAL FISHERIES UNDER THE MARINE MAMMAL PROTECTION ACT OF 1972

1. The authority citation for 50 CFR part 229 continues to read as follows:

Authority: 16 U.S.C. 1361 *et seq.*

2. Effective from April 1, 1997, through June 30, 1997, in § 229.2, the definitions for "American lobster or lobster", "Groundline", "Lobster pot trawl", "Pot", and "Sinking line" are added in alphabetical order to read as follows:

§ 229.2 Definitions.

* * * * *

American lobster or lobster means the species *Homarus americanus*.

* * * * *

Groundline means the line connecting pots on a pot trawl.

* * * * *

Lobster pot trawl means two or more lobster pots, all attached to a groundline.

* * * * *

Pot means any trap, structure, or other device that is placed on the ocean bottom and is designed to catch or is capable of catching lobsters.

* * * * *

Sinking line means line that will sink and will not float at any point in the water column.

* * * * *

3. Effective from April 1, 1997, through June 30, 1997, in § 229.3, paragraphs (g) and (h) are added to read as follows:

§ 229.3 Prohibitions.

* * * * *

(g) It is prohibited to fail to remove all lobster pot gear from the water, or to use, set, haul back, or fish with, lobster pot gear in the Cape Cod Bay Critical Habitat Restricted Lobster Gear Area as specified in § 229.30(a), unless such gear meets the requirements and conditions specified in § 229.30(a)(3).

(h) It is prohibited to fail to remove all lobster pot gear from the water, or to use, set, haul back, or fish with, lobster pot gear in the Great South Channel Critical Habitat Restricted Lobster Pot Gear Area as specified in § 229.30(b), unless otherwise allowed under § 229.30(b)(3).

4. Effective from April 1, 1997, through June 30, 1997, a new § 229.30 is added to Subpart C to read as follows:

Subpart C—Take Reduction Plan Regulations and Emergency Regulations

§ 229.30 Lobster pot restrictions to prevent right whale takes.

(a) *Cape Cod Bay Critical Habitat Area Lobster Pot Gear Restrictions*—(1) *General*. From April 1, 1997, through May 15, 1997, all persons must remove all of their lobster pot gear from the water, and may not use, set, haul back, or fish with, lobster pot gear, with the exception of gear that is exempt under paragraph (a)(3) of this section, in the area specified in paragraph (a)(2) of this section.

(2) *Cape Cod Bay Critical Habitat Restricted Lobster Pot Gear Area*. (i) The restrictions and requirements specified in paragraph (a)(1) of this section apply to the Cape Cod Bay Critical Habitat Restricted Lobster Gear Area (Copies of a chart depicting this area are available from the Regional Administrator upon request), which is the area bounded by

straight lines connecting the following points in the order stated:

CAPE COD BAY CRITICAL HABITAT RESTRICTED LOBSTER GEAR AREA

Point	N. Latitude	W. Longitude
CCB1	42°12'N	70°30'W,
CCB2	42°12'N	70°15'W,
CCB3	42°08'N	70°12.4'W,
then westerly along the 3 nm state boundary to		
CCB4	42°08'N	70°30'W,
then due north to CCB1.		

(3) *Cape Cod Bay Critical Habitat Area Lobster Pot Gear Exemption Requirements*.

(i) Lobster pot gear that meets the following requirements and conditions is exempted from the restrictions specified in paragraph (a) of this section:

(A) The gear is a lobster pot trawl.

(B) No more than one vertical line is used if the lobster pot trawl consists of fewer than four lobster pots.

(C) No more than two vertical lines are used if the lobster pot trawl consists of four or more lobster pots.

(D) All groundlines and buoy lines consist of sinking line. Polypropylene line is not sinking line unless it contains a lead core.

(ii) The Assistant Administrator may revise the requirements and conditions specified in paragraph (a)(3)(i) of this section or impose additional requirements and conditions and/or exempt specified alternative fishing practices by publishing the requirements, conditions, or alternatives in the **Federal Register**.

(4) *Additional measures for the protection of right whales*. (i) If a serious injury or mortality of a northern right whale occurs in the Cape Cod Bay critical habitat area specified under 50 CFR 229.13(b) during the time specified in paragraph (a)(1) of this section, and is conclusively attributed to lobster pot gear exempt under paragraph (a)(3)(i) of this section or allowed by the Commonwealth of Massachusetts in Commonwealth waters, the area shall be closed for the period specified in paragraph (a)(1) of this section through notification in the **Federal Register** until such time as the Assistant Administrator revises the requirements and conditions specified in paragraph (a)(3)(i) of this section or imposes additional requirements and conditions, or exempts specified alternative fishing practices in accordance with paragraph (a)(3)(ii) of this section.

(ii) If a serious injury or mortality of any endangered whale occurs in any area and at any time and is conclusively attributed to gear exempt under paragraph (a)(3)(i) or allowed by the Commonwealth of Massachusetts in Commonwealth waters, NMFS will reassess its exemption of the gear and may close the Cape Cod Bay critical habitat area to all lobster pot fishing through notification in the **Federal Register** until such time as the Assistant Administrator revises the requirements and conditions specified in paragraph (a)(3)(i) of this section or imposes additional requirements and conditions, or exempts specified alternative fishing practices in accordance with paragraph (a)(3)(ii) of this section.

(b) *Great South Channel Critical Habitat Area Lobster Pot Gear Restrictions*—

(1) *General*. From April 1, 1997 through June 30, 1997, all persons must remove all of their lobster pot gear from the water, and may not use, set, haul back, or fish with, lobster pot gear in the area specified in paragraph (b)(2) of this section, unless the Assistant Administrator exempts such gear under paragraph (b)(3) of this section.

(2) *Great South Channel Critical Habitat Area Restricted Lobster Pot Gear Area*. The restrictions on use of lobster pot gear specified in paragraph (b)(1) of this section apply to the Great South Channel Critical Habitat (copies of a chart depicting this area are available from the Assistant Administrator upon request), which is the area bounded by straight lines connecting the following points in the order stated:

GREAT SOUTH CHANNEL CRITICAL HABITAT CLOSURE AREA

Point	N. Latitude	W. Longitude
GSC1	41°00' N	69°05' W,
GSC2	41°40' N	69°45' W,
GSC3	42°10' N	68°31' W,
and		
GSC4	41°38' N	68°13' W.

(3) *Exemptions for Lobster pot gear or alternative fishing practices authorized by the Assistant Administrator*. The Assistant Administrator may exempt lobster pot gear or specified fishing practices from the restrictions and requirements specified in paragraph (b)(1) of this section by publishing the requirements and conditions such gear must meet or the alternative fishing practices in the **Federal Register**.

(4) *Additional measures for the protection of right whales*. (i) If a serious injury or mortality of a northern right whale occurs in the area and during the time specified in paragraphs (b)(1) and

(b)(2) of this section, and is conclusively attributed to lobster pot gear that has been exempted under paragraph (b)(3) of this section, the area in paragraph (b)(2) of this section shall be closed for the period specified in paragraph (b)(1) of this section through notification in the **Federal Register** until such time as the Assistant Administrator revises the requirements and conditions, or imposes additional requirements and conditions, or exempts specified alternative fishing practices in accordance with paragraph (b)(3) of this section.

(ii) If a serious injury or mortality of any endangered whale occurs in any area and at any time and is conclusively attributed to gear which is exempt under paragraph (b)(3) of this section, NMFS will reassess its exemption of the gear and may close the area to all lobster pot fishing through notification in the **Federal Register** until such time as the Assistant Administrator revises the requirements and conditions, or imposes additional requirements and conditions, or exempts specified alternative fishing practices in accordance with paragraph (b)(3) of this section.

[FR Doc. 97-8727 Filed 4-1-97; 4:31 pm]

BILLING CODE 3510-22-P

50 CFR Part 679

[Docket No. 961107312-7021-02; I.D. 033197A]

Fisheries of the Exclusive Economic Zone Off Alaska; Yellowfin Sole by Vessels Using Trawl Gear

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 the yellowfin sole fishery by vessels using trawl gear in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to fully utilize the first seasonal bycatch allowance of Pacific halibut apportioned to the trawl yellowfin sole fishery category in the BSAI.

EFFECTIVE DATE: 1200 hrs, Alaska local time (A.l.t.), March 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.

The first seasonal apportionment of the 1997 halibut bycatch allowance specified for the trawl yellowfin sole fishery in the BSAI, which is defined at § 679.21(e)(3)(iv)(B)(1), was established by the Final 1997 Harvest Specifications of Groundfish for the BSAI (62 FR 7168, February 18, 1997) as 210 mt. Directed fishing for yellowfin sole by vessels using trawl gear in the BSAI was prohibited on March 22, 1997 (62 FR 14651, March 27, 1997) to prevent exceeding the first seasonal bycatch allowance of Pacific halibut apportioned to that fishery.

The Administrator, Alaska Region, NMFS, has determined that as of March 22, 1997, 14 metric tons of halibut mortality remain in the first 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 second seasonal bycatch allowance (210 mt) of Pacific halibut apportioned to the trawl yellowfin sole fishery category in the BSAI becomes available on April 1.

All other closures remain in full force and effect.

Classification

This action is required by 50 CFR 679.20 and is exempt from review under E.O. 12866.

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

Dated: March 31, 1997.

Gary Matlock,

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

[FR Doc. 97-8565 Filed 3-31-97; 4:29 pm]

BILLING CODE 3510-22-F

50 CFR Part 679

[Docket No. 961126334-7025-02; I.D. 032897B]

Fisheries of the Exclusive Economic Zone Off Alaska, Pollock in the Eastern Regulatory Area of the Gulf of Alaska

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

ACTION: Prohibition of retention.

SUMMARY: NMFS is prohibiting retention of pollock in the Eastern Regulatory Area in the Gulf of Alaska (GOA). NMFS is requiring that catches of pollock in this area be treated in the same manner as prohibited species and discarded at sea with a minimum of injury. This action is necessary because the pollock 1997 total allowable catch (TAC) in this area has been reached.

EFFECTIVE DATE: Effective 1200 hrs, Alaska local time (A.l.t.), March 31, 1997, until 2400 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 1997 TAC of pollock in the Eastern Regulatory Area of the GOA was established by the Final 1997 Harvest Specifications of Groundfish for the GOA (62 FR 8179, February 24, 1997) as 5,580 metric tons (mt), determined in accordance with § 679.20 (c)(3)(ii).

In accordance with § 679.20 (d)(2), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the 1997 TAC for pollock in the Eastern Regulatory Area has been reached. Therefore, the Regional Administrator is requiring that further catches of pollock in the Eastern Regulatory Area be treated as prohibited species in accordance with § 679.21 (b).

Classification

This action is required by 50 CFR 679.20 and is exempt from review under E.O. 12866.

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

Dated: March 31, 1997.

Gary C. Matlock,

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

[FR Doc. 97-8566 Filed 3-31-97; 4:29 pm]

BILLING CODE 3510-22-F