

(b) An operator may comply with any of the requirements of paragraph (c) of this section through participation in a public service program, such as a one-call system, but such participation does not relieve the operator of responsibility for compliance with this section. However, an operator must perform the duties of paragraph (c)(3) of this section through participation in a one-call system, if that one-call system is a qualified one-call system. In areas that are covered by more than one qualified one-call system, an operator need only join one of the qualified one-call systems if there is a central telephone number for excavators to call for excavation activities, or if the one-call systems in those areas communicate with one another. An operator's pipeline system must be covered by a qualified one-call system where there is one in place. For the purposes of this section, a one-call system is considered a "qualified one-call system" if it meets the requirements of section (b)(1) or (b)(2) or this section.

(1) The state has adopted a one-call damage prevention program under § 198.37 of this chapter; or

(2) The one-call system:

(i) Is operated in accordance with § 198.39 of this chapter;

(ii) Provides a pipeline operator an opportunity similar to a voluntary participant to have a part in management responsibilities; and

(iii) Assesses a participating pipeline operator a fee that is proportionate to the costs of the one-call system's coverage of the operator's pipeline.

(c) \* \* \*

(2) Provides for notification of the public in the vicinity of the pipeline and actual notification of persons identified in paragraph (c)(1) of this section of the following as often as needed to make them aware of the damage prevention program:

\* \* \* \* \*

Issued in Washington, D.C. on November 13, 1997.

**Kelley S. Coyner,**

*Acting Administrator.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 622

[Docket No. 970730185-7206-02; I.D. 111297D]

#### Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Closure of the Recreational Red Snapper Component

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

**ACTION:** Closure.

**SUMMARY:** NMFS closes the recreational fishery for red snapper in the exclusive economic zone (EEZ) of the Gulf of Mexico. NMFS has determined that the annual recreational quota for red snapper will have been reached by November 26, 1997. This closure is necessary to protect the red snapper resource.

**DATES:** Closure is effective 12:01 a.m., local time, November 27, 1997, through December 31, 1997.

**FOR FURTHER INFORMATION CONTACT:** Robert Sadler, 813-570-5305.

**SUPPLEMENTARY INFORMATION:** The reef fish fishery of the Gulf of Mexico is managed under the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP). The FMP was prepared by the Gulf of Mexico Fishery Management Council and is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act by regulations at 50 CFR part 622. Those regulations set the recreational quota for red snapper in the Gulf of Mexico at 4.47 million lb (2.03 million kg) for the current fishing year, January 1 through December 31, 1997.

Under 50 CFR 622.43(a), NMFS is required to close the recreational fishery for red snapper when its quota is reached, or is projected to be reached, by publishing a notification to that effect in the **Federal Register**. Based on current statistics, NMFS has determined that the recreational quota for red snapper will have been reached by November 26, 1997. Accordingly, the recreational fishery in the EEZ in the Gulf of Mexico for red snapper is closed effective 12:01 a.m., local time, November 27, 1997, through December 31, 1997.

During the closure, the bag and possession limits for red snapper in or from the EEZ in the Gulf of Mexico are

zero. In addition, in the Gulf of Mexico on board a vessel for which a commercial vessel permit for Gulf reef fish has been issued, the bag and possession limits for red snapper are zero, without regard to where the red snapper were harvested.

#### Classification

This action is taken under 50 CFR 622.43(a) and is exempt from review under E.O. 12866.

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

Dated: November 13, 1997.

**Richard W. Surdi,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
[FR Doc. 97-30294 Filed 11-14-97; 10:41 am]

BILLING CODE 3510-22-F

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 660

[Docket No. 961227373-6373-01; I.D. 111297A]

#### Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Trip Limit Changes

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

**ACTION:** Fishing restrictions; request for comments.

**SUMMARY:** NMFS announces further routine management measures adjusting the Pacific Coast groundfish limited entry fisheries for the *Sebastes* complex and its components, canary and yellowtail rockfish, and the Dover sole, thornyhead, trawl-caught sablefish (DTS) complex and all its components. These actions are authorized by regulations implementing the Pacific Coast Groundfish Fishery Management Plan (FMP), which governs the groundfish fishery off Washington, Oregon, and California. These changes are intended to keep landings close to the 1997 harvest guidelines and allocations for these species.

**DATES:** Effective from 0001 hours (local time) November 16, 1997, including trawl vessels operating in the B platoon. These changes remain in effect, unless modified, superseded or rescinded, until the effective date of the 1998 annual specifications and management measures for the Pacific Coast groundfish fishery, which will be

published in the **Federal Register**. Comments will be accepted through December 4, 1997.

**ADDRESSES:** Submit comments to William Stelle, Jr., Administrator, Northwest Region (Regional Administrator), National Marine Fisheries Service, 7600 Sand Point Way NE., Seattle, WA 98115-0070; or William Hogarth, Acting Administrator, Southwest Region, National Marine Fisheries Service, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213.

**FOR FURTHER INFORMATION CONTACT:** William L. Robinson at 206-526-6140 or Rodney McInnis at 562-980-4040.  
**SUPPLEMENTARY INFORMATION:** The following changes to current management measures are based on the best available information, and were recommended by the Pacific Fishery Management Council (Council), in consultation with the States of Washington, Oregon, and California at its November 4-7, 1997, meeting in Portland, OR.

*The Sebastes Complex.* The *Sebastes* complex consists of all rockfish managed by the FMP except Pacific ocean perch (POP), widow rockfish, shortbelly rockfish, and thornyheads. On January 1, 1997 (62 FR 700, January 6, 1997), the limited entry fishery for the *Sebastes* complex was managed under a 2-month cumulative trip limit of 30,000 lb (13,608 kg) north of Cape Mendocino (40°30' N. lat.) and 150,000 lb (68,039 kg) south of Cape Mendocino. Within these 2-month cumulative limits for the *Sebastes* complex, no more than 6,000 lb (2,722 kg) could be yellowtail rockfish north of Cape Mendocino, no more than 12,000 lb (5,443 kg) could be bocaccio south of Cape Mendocino, and no more than 14,000 lb (6,350 kg) could be canary rockfish coastwide. On May 1, 1997 (62 FR 24845, May 7, 1997), the 2-month cumulative trip limit for bocaccio was reduced to 10,000 lb (4,536 kg), so that its harvest guideline would not be exceeded. However, landings were lower than expected, and on October 1, 1997 (62 FR 51814, October 3, 1997), the 2-month cumulative trip limits were converted to 1-month limits and increased to 5,000 lb (2,268 kg) per month for yellowtail rockfish and 10,000 lb (4,534 kg) per month for canary rockfish. This increased the *Sebastes* complex limits to 20,000 lb (9,072 kg) per month north of Cape Mendocino and 75,000 lb (34,020 kg) per month south of Cape Mendocino.

The best available information at the November 1997 Council meeting indicated that landings still were lower

than expected, most likely due to poor weather and reduced fishing effort in October. If rates do not change, landings of yellowtail rockfish would be 22 percent below its harvest guideline, and canary rockfish would be 14 percent below its harvest guideline at the end of the year. Therefore, the Council recommended increasing the 1-month cumulative trip limits for yellowtail and canary rockfish at the earliest date so that the industry would have an opportunity to achieve the harvest guidelines for these species. The trip limit for bocaccio is not changed.

The new 1-month cumulative trip limits for the *Sebastes* complex are: 40,000 lb (18,144 kg) north of Cape Mendocino and 80,000 lb (36,287 kg) south of Cape Mendocino. Within these 1-month cumulative limits, no more than 20,000 lb (9,072 kg) may be yellowtail rockfish north of Cape Mendocino, no more than 5,000 lb (2,268 kg) may be bocaccio south of Cape Mendocino, and no more than 15,000 lb (6,804 kg) may be canary rockfish coastwide.

*Dover Sole, Thornyheads, and Trawl-Caught Sablefish (the DTS Complex).* In January 1997 (62 FR 700, January 6, 1997), the 2-month cumulative trip limit for the DTS complex was 70,000 lb (31,752 kg) north of Cape Mendocino and 100,000 lb (45,359 kg) south of Cape Mendocino. Within this 2-month cumulative limit, no more than 38,000 lb (17,236 kg) could be Dover sole north of Cape Mendocino, and coastwide no more than 12,000 lb (5,443 kg) could be trawl-caught sablefish and no more than 20,000 lb (9,072 kg) could be thornyheads. No more than 4,000 lb (1,814 kg) of the thornyheads could be shortspine thornyheads.

On May 1, 1997 (62 FR 24845, May 7, 1997), the 2-month cumulative trip limits were reduced for Dover sole north of Cape Mendocino to 30,000 lb (13,608 kg), and for thornyheads coastwide to 15,000 lb (6,804 kg), of which only 3,000 lb (1,361 kg) could be shortspine thornyheads. The 2-month cumulative limit for the DTS complex north of Cape Mendocino increased by the same amount to 57,000 lb (25,855 kg), while remaining at 100,000 lb (45,359 kg) south of Cape Mendocino. The coastwide 2-month cumulative trip limit for sablefish remained at 12,000 lb (5,443 kg).

On September 1 (62 FR 36228, July 7, 1997) the 2-month cumulative trip limits for the DTS complex and its components were converted to 1-month cumulative limits: For the DTS complex, 28,500 lb (12,927 kg) north of Cape Mendocino and 50,000 lb (22,680 kg) south of Cape Mendocino; for

sablefish coastwide, 6,000 lb (2,722 kg); for Dover sole north of Cape Mendocino, 15,000 lb (6,804 kg); and for thornyheads coastwide, 7,500 lb (3,402 kg), of which no more than 1,500 lb (680 kg) could be shortspine thornyheads.

The 1-month cumulative trip limit for sablefish was reduced on October 1, 1997 (62 FR 51814, October 3, 1997), and a 1-month cumulative trip limit was set for Dover sole south of Cape Mendocino; previously Dover sole could comprise the amount of DTS limit that was left over after taking sablefish and thornyheads. As a result, the limited entry fishery for the DTS complex and its components is currently managed under a 1-month cumulative trip limit of 11,000 lb (4,990 kg) north of Cape Mendocino. Within these 1-month cumulative limits, no more than 1,500 lb (680 kg) may be Dover sole north of Cape Mendocino, no more than 2,000 lb (907 kg) may be sablefish coastwide, and no more than 7,500 lb (3,402 kg) may be thornyheads coastwide. No more than 1,500 lb (680 kg) of the thornyheads may be shortspine thornyheads. The same limits for sablefish and thornyheads apply south of Cape Mendocino, but the limit for Dover sole is 30,000 lb (13,608 kg), which changes the DTS limit in that area to 39,500 lb (17,917 kg). As of October 1, 1997, the cumulative limit for the DTS complex is the sum of the cumulative limits of its components.

Reduced effort in October, likely due to bad weather and extremely low cumulative trip limits, resulted in much lower landings than expected. The best available information at the November 1997 Council meeting indicated that the harvest guidelines for all three species would not be reached in 1998 if current landing rates continued. Dover sole is expected to be 12 percent below its coastwide harvest guideline, and trawl-caught sablefish is projected to be 7 percent below its trawl allocation. Landings of longspine and shortspine thornyheads are projected to be 35 and 19 percent below their harvest guidelines, respectively, by the end of the year. Consequently, the Council recommended increasing the 1-month cumulative trip limits for these species to the end of the year to keep landings of the DTS complex and its components within the 1997 harvest guidelines and allocations without increasing discards. Current trip limits are so low that it is felt that these increases will enable fishermen to land fish that otherwise may have been caught and discarded.

The new monthly limits for the DTS complex are 16,000 lb (7,257 kg) north of Cape Mendocino, and 43,000 lb (19,504 kg) south of Cape Mendocino.

Within these limits, no more than 3,000 lb (1,361 kg) may be Dover sole north of Cape Mendocino and 30,000 lb (13,608 kg) south of Cape Mendocino (no change to southern Dover sole); no more than 3,000 lb (1,361 kg) coastwide may be trawl-caught sablefish; and no more than 10,000 lb (4,536 kg) coastwide may be thornyheads. No more than 3,000 lb (1,361 kg) of the thornyheads may be shortspine thornyheads.

**Implementation.** These changes are implemented in the middle of a 1-month cumulative trip limit period for the "A" platoon (whose cumulative trip limits begin at the beginning of a month). The new limits are the total amount that may be landed in November. Therefore, the "A" platoon will have the opportunity to harvest the new limits in both November and December. Two-month cumulative trip limits and the 60 percent monthly limits remain in effect only for POP, widow rockfish, and lingcod.

For vessels in the "B" platoon (whose cumulative trip limits begin on November 16, 1997) the final 2-month cumulative trip limits for POP, widow rockfish, and lingcod apply to the 6-week period from November 16, 1997, through December 31, 1997, and there is no 60 percent monthly limit for this period. In addition, the equivalent of two 1-month cumulative trip limits for the *Sebastes* complex and its components and for the DTS complex and its components may be landed during the 6-week period from November 16, 1997 through December 31, 1997. (In the previous **Federal Register** notice (62 FR 51814, October 3, 1997), reference to lingcod describing the final cumulative period for the "B" platoon was inadvertently deleted.)

#### NMFS Action

For the reasons stated above, NMFS concurs with the Council's recommendations and makes the following changes to the 1997 annual management measures (62 FR 700, January 6, 1997, as modified at 62 FR 51815, October 3, 1997).

1. For yellowtail rockfish, canary rockfish, and the *Sebastes* complex, paragraphs C.(2)(a)(i) and (ii) of section IV. (regarding cumulative trip limits in the limited entry fishery) are amended, to read as follows:

C. *Sebastes* Complex (including Bocaccio, Yellowtail, and Canary Rockfish)

\* \* \* \* \*

(2) \* \* \*

(a) \* \* \*

(i) *North of Cape Mendocino.* The cumulative trip limit for the *Sebastes* complex taken and retained north of Cape Mendocino is 40,000 lb (18,144 kg) per vessel per 1-month period. Within this cumulative trip limit for the *Sebastes* complex, no more than 20,000 lb (9,072 kg) may be yellowtail rockfish taken and retained north of Cape Mendocino, and no more than 15,000 lb (6,804 kg) may be canary rockfish.

(ii) *South of Cape Mendocino.* The cumulative trip limit for the *Sebastes* complex taken and retained south of Cape Mendocino is 80,000 lb (36,287 kg) per vessel per 1-month period. Within this cumulative trip limit for the *Sebastes* complex, no more than 5,000 lb (2,268 kg) may be bocaccio taken and retained south of Cape Mendocino, and no more than 15,000 lb (6,804 kg) may be canary rockfish.

\* \* \* \* \*

2. For the DTS complex, paragraph E.(2)(b) of section IV. (regarding limited entry trip and size limits) is revised, to read as follows:

E. *Sablefish and the DTS Complex (Dover Sole, Thornyheads, and Trawl-Caught Sablefish)*

\* \* \* \* \*

(2) \* \* \*

(b) \* \* \*

(i) *North of Cape Mendocino.* The cumulative trip limit for the DTS complex taken and retained north of Cape Mendocino is 16,000 lb (7,257 kg) per vessel per 1-month period. Within this cumulative trip limit, no more than 3,000 lb (1,361 kg) may be sablefish, no more than 3,000 lb (1,361 kg) may be

Dover sole, and no more than 10,000 lb (4,536 kg) may be thornyheads. No more than 3,000 lb (1,361 kg) of the thornyheads may be shortspine thornyheads.

(ii) *South of Cape Mendocino.* The cumulative trip limit for the DTS complex taken and retained south of Cape Mendocino is 43,000 lb (19,504 kg) per vessel per 1-month period. Within this cumulative trip limit, no more than 3,000 lb (1,361 kg) may be sablefish, no more than 30,000 lb (13,608 kg) may be Dover sole, and no more than 10,000 lb (4,536 kg) may be thornyheads. No more than 3,000 lb (1,361 kg) of the thornyheads may be shortspine thornyheads.

\* \* \* \* \*

#### Classification

These actions are authorized by the regulations implementing the FMP. The determination to take these actions is based on the most recent data available. The aggregate data upon which the determinations are based are available for public inspection at the office of the Administrator, Northwest Region, NMFS (see **ADDRESSES**) during business hours. Because this action relieves a burden and must be implemented swiftly to relieve the burden, and because the public had an opportunity to comment on the action at the November 1997 Council meeting, NMFS has determined that good cause exists for this document to be published without affording additional prior opportunity for public comment or a 30-day delayed effectiveness period. These actions are taken under the authority of 50 CFR 660.323(b)(1), and are exempt from review under E.O. 12866.

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

Dated: November 14, 1997.

**Richard W. Surdi,**

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