

The emergency closure must remain in effect to avoid the likelihood of jeopardy until a preferred option is identified and implemented.

In order to implement one of these options, a rulemaking will have to be initiated. Although NMFS has proposed changes to the shark driftnet segment of the fishery (April 7, 1997, 62 FR 16519), rulemaking has not yet been initiated on the swordfish and tuna driftnet segments. As the original emergency rule only closed the swordfish drift gillnet fishery, this extension will also only apply to the swordfish driftnet component of the fishery. Actions affecting the shark and tuna components of the drift gillnet fishery are being considered separately.

The Atlantic Offshore Cetacean Take Reduction Team (AOCTRT) submitted a draft take reduction plan to NMFS, on November 25, 1996, which included recommended measures to reduce incidental takes of strategic marine mammal stocks to below their Potential Biological Removal level within 6 months of implementation. The AOCTRT's draft plan is complex, requires substantial review, and has significant implications for fishery management actions and the drift gillnet fishery in particular. Final approval and implementation of the AOCTRT plan by NMFS, as well as the pending Large Whale Take Reduction Plan, will provide guidance on necessary drift gillnet modifications to avoid the likelihood of jeopardy.

However, the existing emergency closure for the swordfish drift gillnet fishery expires on May 29, 1997, and final action on the above initiatives will not occur before this date. Therefore, NMFS is extending the emergency closure of the drift gillnet swordfish fishery for a second period of 180 days through 2400 hours November 26, 1997, to ensure that this component of the fishery does not cause jeopardy.

Pursuant to this emergency closure: (1) No one aboard a vessel using or having on board a drift gillnet may fish for swordfish from the North Atlantic swordfish stock; and (2) no more than two swordfish per trip may be possessed on board a vessel using or having on board a drift gillnet in the North Atlantic Ocean, including the Gulf of Mexico and Caribbean Sea, north of 5° N. lat., or landed in an Atlantic, Gulf of Mexico, or Caribbean coastal state.

A request for comments on the original emergency closure was published in the **Federal Register** on May 14, 1997 (62 FR 26427). Comments and responses are summarized below.

Comments and Responses

Comment: One written and several telephone comments expressed support for implementing the AOCTRT plan to eliminate the drift gillnet derby fishery.

Response: NMFS agrees that rulemaking needs to be undertaken to address these issues and will consider the AOCTRT plan as one of the alternatives for reducing the likelihood of jeopardy.

Comment: One commenter expressed support for an extension of the emergency closure due to the gear's adverse effect on marine mammals and endangered species. Furthermore, the commenter expressed belief that the gear should be retired permanently as it is non-discriminatory and has a bycatch of non-targeted HMS species.

Response: NMFS is extending the emergency closure for an additional 180 days. The management of the drift gillnet segment of the pelagics fishery will be determined following review and implementation of necessary measures to avoid the likelihood of jeopardy.

Correction

This action also corrects the effective date language of the initial emergency closure that was published on December 5, 1996 (61 FR 64486). As published, the rule inadvertently added the codified text of the temporary rule on a permanent basis.

Accordingly, the publication on December 5, 1996, of the emergency closure (I.D. 112696C) that was the subject of FR Doc. 96-30932 is corrected as follows:

On page 64486, in the third column, the **EFFECTIVE DATES** section is corrected to read as follows:

DATES: The closure and the amendments to part 630 will be effective from December 1, 1996, through 2400 hours local time, May 29, 1996.

Classification

This action extends an emergency rule issued under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1855(c). In order to ensure that no irreversible and irretrievable commitment of resources is made that has the effect of foreclosing the formulation or implementation of any reasonable and prudent alternative measures while consultation under section 7(a) of ESA takes place on this fishery, the Assistant Administrator for Fisheries, NOAA, under authority at 5 U.S.C. 553(d)(3), for good cause found that this rule can be made effective

immediately. This action is exempt from review under E.O. 12866.

Dated: May 30, 1997.

Rolland A. Schmitten,

*Assistant Administrator for Fisheries,
National Marine Fisheries Service.*

For the reasons set forth in the preamble, 50 CFR part 630 is amended as follows:

PART 630—ATLANTIC SWORDFISH FISHERY

1. The authority citation for part 630 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.* and 16 U.S.C. 971 *et seq.*

2. In § 630.7, paragraph (aa) is added to read as follows:

§ 630.7 Prohibitions.

* * * * *

(aa) Notwithstanding any other provision of part 630:

(1) No one aboard a vessel using or having on board a drift gillnet may fish for swordfish from the North Atlantic swordfish stock.

(2) No more than two swordfish per trip may be possessed on board a vessel using or having on board a drift gillnet in the North Atlantic Ocean, including the Gulf of Mexico and Caribbean Sea, north of 5° N. lat.

(3) No more than two swordfish per trip may be landed from a vessel using or having on board a drift gillnet in an Atlantic, Gulf of Mexico, or Caribbean coastal state.

[FR Doc. 97-14631 Filed 5-30-97; 4:51 pm]

BILLING CODE 3510-22-F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 970403076-7114-02; I.D. 053097A]

Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Whiting Closure for the Mothership Sector

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

ACTION: Fishing restrictions; request for comments.

SUMMARY: NMFS announces the end of the 1997 mothership fishery for whiting at 3 p.m. (local time) June 1, 1997, because the allocation for the mothership sector should be reached by

that time. This action is authorized by regulations implementing the Pacific Coast Groundfish Fishery Management Plan (FMP), which governs the groundfish fishery off Washington, Oregon, and California. This action is intended to prevent the harvest of whiting for the mothership sector from exceeding its 1997 allocation level of 49,700 mt.

DATES: Effective from 3 p.m. (local time) June 1, 1997, until the start of the 1998 primary season for the mothership sector, unless modified, superseded or rescinded, which will be published in the **Federal Register**. Comments will be accepted through June 20, 1997.

ADDRESSES: Submit comment to William Stelle, Jr., Administrator, Northwest Region (Regional Administrator), NMFS, 7600 Sand Point Way NE., Seattle, WA 98115-0070; or William Hogarth, Acting Regional Administrator, Southwest Region, NMFS, 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 regulations at 50 CFR 660.323(a)(4) (62 FR 27519, May 20, 1997) established separate allocations for the catcher/processor, mothership, and shore-based sectors of the whiting fishery. Each allocation is a harvest guideline, which, when reached, results in the end of the primary season for that sector. The catcher/processor sector is composed of catcher/processors, which are vessels

that harvest and process whiting. The mothership sector is composed of motherships and catcher vessels that harvest whiting for delivery to motherships. Motherships are vessels that process, but do not harvest, whiting. The shoreside sector is composed of vessels that harvest whiting for delivery to shore-based processors. The allocations, which are based on the 1997 commercial harvest guideline for whiting of 207,000 metric tons (mt), are: 70,400 mt (34 percent) for the catcher/processor sector; 49,700 mt (24 percent) for the mothership sector; and 86,900 mt (42 percent) for the shoreside sector.

The best available information on May 29, 1997, indicates that 36,072 mt of whiting had been taken by the mothership sector through May 27, 1997, and that the 49,700-mt mothership allocation would be reached by 3 p.m. June 1, 1997. Accordingly, the primary season for the mothership sector ends at 3 p.m. (local time) June 1, 1997, at which time further at-sea processing and receipt of whiting by a mothership, or taking and retaining, possessing or landing of whiting by a catcher boat in the mothership sector, are prohibited. The regulations at 50 CFR 660.323(a)(3)(i) describe the primary season for vessels delivering to motherships as the period(s) when at-sea processing is allowed and the fishery is open for the mothership sector.)

Attainment of the catcher/processor and shore-based sector allocations is not announced at this time.

NMFS Action

For the reasons stated above, and in accordance with the regulations at 50 CFR 660.323(a)(4)(iii)(B), NMFS herein announces:

Effective 3 p.m. (local time) June 1, 1997—(1) Further receiving or at-sea processing of whiting by a mothership is prohibited. No additional unprocessed whiting may be brought on board after at-sea processing is prohibited, but a mothership may continue to process whiting that was on board before at-sea processing was prohibited; and (2) whiting may not be taken and retained, possessed, or landed by a catcher vessel participating in the mothership sector.

Classification

This action is authorized by the regulations implementing the FMP. The determination to take this action is based on the most recent data available. The aggregate data upon which the determination is based are available for public inspection at the Office of the Regional Administrator (see **ADDRESSES**) during business hours. This action is taken under the authority of 50 CFR 660.323(a)(4)(iii)(B) and is exempt from review under E.O. 12866.

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

Dated: May 30, 1997.

Gary C. Matlock,

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

[FR Doc. 97-14632 Filed 5-30-97; 4:52 pm]

BILLING CODE 3510-22-F