

small entities already analyzed, discussed, and described in Amendments 5 and 7 to the FMP.

This final rule has been determined to be not significant for purposes of E.O. 12866.

#### List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: February 21, 1997.

Rolland A. Schmitt,   
 Assistant Administrator for Fisheries,   
 National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 648 is amended as follows:

### PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

1. The authority citation for part 648 continues to read as follows:

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

2. In § 648.2, the definition for "Gillnet gear capable of catching multispecies" is added in alphabetical order to read as follows:

#### § 648.2 Definitions.

\* \* \* \* \*

*Gillnet gear capable of catching multispecies* means all gillnet gear except pelagic gillnet gear specified at § 648.81(f)(2)(ii) and pelagic gillnet gear that is designed to fish for and is used to fish for, or catch, tunas, swordfish and sharks.

\* \* \* \* \*

3. In § 648.14, paragraph (a)(89) is revised and paragraph (c)(11) is added to read as follows:

#### § 648.14 Prohibitions.

(a) \* \* \*

(89) Fish with, set, haul back, possess on board a vessel, unless stowed in accordance with § 648.23(b), or fail to remove sink gillnet gear or gillnet gear capable of catching multispecies from the EEZ portion of the areas, and for the times, specified in § 648.87(a) and (b), except as provided in § 648.81(f)(2)(ii) and in § 648.87(b)(1)(i), or unless authorized in writing by the Regional Administrator.

\* \* \* \* \*

(c) \* \* \*

(11) Enter, fail to remove sink gillnet gear or gillnet gear capable of catching multispecies from, or be in the areas, and for the times, described in § 648.87(a) and (b), except as provided in § 648.81(d), (f)(2), (g)(2), and (h)(2), and in § 648.87(b)(1)(i).

\* \* \* \* \*

4. In § 648.81, paragraph (f)(2)(ii) is revised to read as follows:

#### § 648.81 Closed areas.

\* \* \* \* \*

(f) \* \* \*

(2) \* \* \*

(ii) That are fishing with or using exempted gear as defined under this part, excluding mid-water trawl gear and pelagic gillnet gear capable of catching multispecies, except vessels may fish with a single pelagic gillnet, not longer than 300 ft and not greater than 6 ft deep, with a maximum mesh size of 3 inches, provided the net is attached to the boat, is fished in the upper two-thirds of the water column and is marked with the owner's name and vessel identification number, and provided there is no other gear on board capable of catching multispecies finfish; or

\* \* \* \* \*

5. In § 648.87, the section heading and paragraph (a) and paragraph (b) heading and introductory text are revised to read as follows:

#### § 648.87 Gillnet requirements to reduce harbor porpoise takes.

(a) *Areas closed to sink gillnets and other gillnets capable of catching multispecies.* Sections 648.81(f) through (h) set forth closed area restrictions to reduce the take of harbor porpoise consistent with the harbor porpoise mortality goals.

(b) *Additional areas closed to sink gillnets and other gillnets capable of catching multispecies.* All persons owning or operating vessels in the EEZ portion of the areas and for the times specified in paragraphs (b)(1) and (2) of this section, must remove all of their sink gillnets and other gillnet gear capable of catching multispecies, and may not use, set, haul back, fish with, or possess on board (unless stowed in accordance with the requirements of § 648.23(b)), a sink gillnet or other gillnet gear capable of catching multispecies except for a single pelagic gillnet as described in § 648.81(f)(2)(ii); and all persons owning or operating vessels issued a limited access multispecies permit must remove all of their gillnet gear capable of catching multispecies and may not use, set, haul back, fish with, or possess on board (unless stowed in accordance with the requirements of § 648.23(b)), a gillnet capable of catching multispecies in the areas and for the time specified in paragraphs (b)(1) and (2) of this section, except for a single pelagic gillnet as described in § 648.81(f)(2)(ii).

\* \* \* \* \*

[FR Doc. 97-4907 Filed 2-28-97; 8:45 am]

BILLING CODE 3510-22-F

### 50 CFR Part 679

[Docket No. 961107312-7021-02; I.D. 022697A]

### Fisheries of the Exclusive Economic Zone Off Alaska; Offshore Component Pollock in the Aleutian Islands Subarea

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

**ACTION:** Modification of a closure; inseason adjustment.

**SUMMARY:** NMFS is opening directed fishing for pollock by vessels catching pollock for processing by the offshore component in the Aleutian Islands subarea (AI) of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to fully utilize the total allowable catch (TAC) of pollock in that area.

**DATES:** The modification is effective 1200 hrs, Alaska local time (A.l.t.), February 26, 1997, until 2400 hrs, A.l.t., February 27, 1997. Comments must be received at the following address no later than 1630 hrs, A.l.t., March 17, 1997.

**FOR FURTHER INFORMATION CONTACT:** Mike Sloan, 907-581-2062.

**SUPPLEMENTARY INFORMATION:** The groundfish fishery in the BSAI exclusive economic zone is managed by NMFS according to the Fishery Management Plan for Groundfish 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.

In accordance with § 679.20 (c)(3)(iii), the allowance for the pollock TAC apportioned for vessels catching pollock for processing by the offshore component in the AI was established by the Final 1997 Harvest Specifications for Groundfish (62 FR 7168, February 18, 1997) as 16,835 metric tons (mt). The Administrator, Alaska Region, NMFS (Regional Administrator), has established a directed fishing allowance of 14,835 mt, and set aside the remaining 2,000 mt as bycatch to support other anticipated groundfish fisheries. The fishery for pollock by vessels catching pollock in the AI of the BSAI was closed to directed fishing under § 679.20(d)(1)(iii) on February 23, 1997, in order to reserve amounts anticipated to be needed for incidental catch in other fisheries. This action was

filed at the Office of the Federal Register on February 21, 1997, and scheduled for publication in the Federal Register on February 27, 1997.

NMFS has determined that as of February 24, 1997, 7,835 mt remain in the directed fishing allowance. Therefore, NMFS is terminating the previous closure and is opening directed fishing for pollock by vessels catching pollock for processing by the offshore component in the AI of the BSAI effective 1200 hrs, A.l.t., February 26, 1997.

In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance will soon be reached. Current information shows the catching capacity of vessels catching pollock for processing by the offshore component is in excess of 5,500 mt per day.

Section 679.23(b) specifies that the time of all openings and closures of fishing seasons other than the beginning and end of the calendar fishing year is 1200 hrs, A.l.t. The Regional Administrator has determined that the remaining portion of the allocation to the offshore component would be

underharvested if a 1200-hrs closure were allowed to occur.

In accordance with § 679.25(a)(1)(i), NMFS is adjusting the season for pollock by vessels catching pollock for processing by the offshore component in the AI of the BSAI. NMFS is prohibiting directed fishing for pollock by vessels catching pollock for processing by the offshore component in the AI at 2400 hrs, A.l.t., February 27, 1997.

NMFS is taking this action to prevent the underharvest of the pollock allocation to vessels catching pollock for processing by the offshore component in the AI of the BSAI as authorized by § 679.25(a)(2)(i)(C). In accordance with § 679.25(a)(2)(iii), NMFS has determined that closing the season at 2400 hrs, A.l.t., on February 27, 1997, is the least restrictive management adjustment to harvest the pollock allocated to vessels catching pollock for processing by the offshore component in the AI of the BSAI and will allow other fisheries to continue in noncritical areas and time periods.

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. Without this inseason adjustment, the pollock allocation for vessels catching pollock for processing by the offshore component in the AI of the BSAI would be underharvested, resulting in an economic loss of more than 1.5 million dollars. Under § 679.25(c)(2), interested persons are invited to submit written comments on this action to the above address until March 13, 1997.

All other closures remain in full force and effect.

#### Classification

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

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

Dated: February 26, 1997.

Gary Matlock,

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

[FR Doc. 97-5170 Filed 2-26-97; 2:35 am]

BILLING CODE 3510-22-F