

1997. This standard has remained unchanged since 1992.

The red king crab savings area in Zone 1 is closed to directed fishing for groundfish by vessels using trawl gear other than pelagic trawl gear (§ 679.22(a)(3)). This closure is effective for the remainder of 1997 and has limited the number of red king crab taken in the Zone 1 trawl fisheries. Through May 10, 1997, the rock sole/flathead sole/other flatfish fishery category had taken 75 percent of its annual red king crab bycatch allowance. The Pacific cod and yellowfin sole fisheries have taken only 25 percent and 38 percent, respectively, of their bycatch allowances. As a result, NMFS does not anticipate that the red king crab bycatch allowances specified for the 1997 trawl fisheries (62 FR 7168, February 18, 1997) will be reached. Furthermore, red king crab bycatch rates should remain low given that the intensive flatfish and Pacific cod trawl fisheries in Zone 1 are closed for the remainder of the year. Nonetheless, as in past years, the Regional Administrator is maintaining the 2.5 red king crab/mt of groundfish bycatch rate standard to support any exploratory fishing in Zone 1 by vessel operators attempting to avoid relatively high halibut and *C. bairdi* bycatch rates typically experienced in other areas of the BSAI.

The Regional Administrator has determined that the bycatch rate standards set out in Table 1 are appropriately based on the information and considerations necessary for such determinations under § 679.21(f)(4). These bycatch rate standards may be revised and published in the **Federal Register** when deemed appropriate by the Regional Administrator, pending his consideration of the information set forth at § 679.21(f)(4).

#### Classification

This action is taken under 50 CFR 679.21(f) and is exempt from review under E.O. 12866.

**Authority:** 16 U.S.C. 773 *et seq.*, 1801 *et seq.*

Dated: June 2, 1997.

**Richard W. Surdi,**

*Acting Director, Office of Sustainable Fisheries.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 961107312-7021-02; I.D. 052397B]

#### Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish of the Bering Sea and Aleutian Islands Area; Apportionment of Reserve

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

**ACTION:** Apportionment of reserve; request for comments.

**SUMMARY:** NMFS is apportioning reserve to certain target species in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to allow for ongoing harvest and account for previous harvest of the total allowable catch (TAC). It is intended to promote the objectives of the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP).

**DATES:** Effective June 4, 1997.

Comments must be received at the following address no later than 4:30 p.m., Alaska local time, June 24, 1997.

**ADDRESSES:** Comments may be sent to Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, NMFS, 709 W. 9th Street, room 453, Juneau, AK 99801 or P.O. Box 21668, Juneau, AK 99802-1668, Attention: Lori Gravel.

**FOR FURTHER INFORMATION CONTACT:** Mary Furuness, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** The groundfish fishery in the BSAI exclusive economic zone is managed by NMFS according to the 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 Administrator, Alaska Region, NMFS, has determined that the initial TACs specified for Greenland turbot in the Bering Sea subarea and shortraker/rougheye rockfish in the Aleutian Islands subarea need to be supplemented from the non-specific reserve in order to continue operations and account for prior harvest.

Therefore, in accordance with § 679.20(b)(3)(i)(A), NMFS is apportioning from the reserve to the TAC for the following species: Bering Sea subarea - 905 metric tons (mt) of Greenland turbot; Aleutian Islands subarea - 141 mt of shortraker/rougheye rockfish.

These apportionments are consistent with § 679.20(a)(2) and do not result in overfishing of a target species because the revised TACs are equal to or less than specifications of acceptable biological catch.

#### Classification

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

The Assistant Administrator for Fisheries, NOAA, has determined, under section 553(b)(B) and (d)(3) of the Administrative Procedure Act and 50 CFR 679.20(b)(3)(iii)(A), that good cause exists for waiving the opportunity for public comment and the 30-day delayed effectiveness period for this action. Fisheries are currently taking place that will be supplemented by this apportionment. Delaying the implementation of this action would be disruptive and costly to these ongoing operations.

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

Dated: June 2, 1997.

**Richard W. Surdi,**

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

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