

California border), which is a restricted depth fishery (inside 30 fathoms), opened on the day after the closure of the all-depth fisheries in accordance with Section 22 of the annual regulations for the Pacific halibut fisheries (62 FR 12759, March 18, 1997) and is scheduled to continue until July 31. The third season for the entire area from Cape Falcon to the Oregon/California border is an all-depth fishery that is to open on August 1, 2, and 9, or until the Oregon sport fishery quota is taken.

The catch from the first season in the entire area between Cape Falcon and the Oregon/California border has been determined by NMFS, in consultation with Oregon Department of Fish and Wildlife (ODFW), to have exceeded the first season subquotas by over 30,000 lbs (13.6 mt). In consultation with ODFW, the Pacific Fishery Management Council, and the International Pacific Halibut Commission (IPHC), NMFS has determined based on past catch rates in restricted depth and all-depth sport fisheries off Oregon, that the remaining quota for this area is sufficient to maintain the current restricted depth fishery until July 31 and

possibly a 1-day, all-depth fishery on August 1, but the remaining quota is not sufficient to allow the scheduled 3-day, all-depth opening in August (third season). It is possible that there may be sufficient quota remaining on July 31 to allow an all-depth fishery on August 1, but that determination cannot be made until late July when the catch in the restricted depth fishery is accounted for. Because halibut catch rates are much lower in a restricted depth fishery than an all-depth fishery, the restricted depth fishery could remain open after the second season until September 30 without exceeding the quota.

#### NMFS Action

NMFS is taking inseason action to close the August 1, 2, and 9, 1997, all-depth fishery in the area from Cape Falcon to the Oregon/California border to prevent the quota for the Oregon sport fishery from being exceeded. The restricted depth fishery, limited to waters inside 30 fathoms as described in Section 22 of the annual management measures, in the area from Cape Falcon to the Oregon/California border, will remain open until September 30 or until the Oregon sport fishery quota is estimated to have been taken and the season is closed by IPHC. A determination on whether a 1-day, all-depth fishery can be allowed on August 1 without exceeding the quota will be made on July 18. Notice of an all-depth fishery opening will be provided by a

telephone hotline administered by the Northwest Region, NMFS, at 206-526-6667 or 800-662-9825. No fishing will be allowed in the area beyond 30 fathoms on August 1, unless the opening has been announced by NMFS. The Regional Administrator has determined that this action is necessary to allow allocation objectives to be met, and will not result in exceeding the catch limits that were established prior to the season opening. Because of the need to provide adequate public notice on the closure, NMFS has determined that good cause exists for this action to be issued without affording a prior opportunity for public comment. Public comments will be received for a period of 15 days after the effectiveness of this action.

#### Classification

This action is authorized by Section 23 of the annual management measures for Pacific halibut fisheries published on March 18, 1997 (62 FR 12759) and has been determined to be not significant for purposes of E.O. 12866.

Dated: July 10, 1997.

#### Bruce Morehead,

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

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[Docket No. 960520141-7159-06; I.D. 021897B]

RIN 0648-AH05

#### Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; 1997 Scup Recreational Fishery Measures

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

**ACTION:** Final rule.

**SUMMARY:** NMFS issues this final rule to retain, for 1997, the 1996 recreational management measures for the scup fishery implemented under the regulations implementing the Fishery Management Plan for the Summer Flounder, Scup, and Black Sea Bass Fisheries (FMP). This rule does not change the measures implemented under Amendment 8 to the FMP, that is, a 7-inch (17.78-cm) minimum fish size,

no possession limit, and no closed season for the recreational scup fishery. The intent of this document is to comply with implementing regulations for the scup fishery that require NMFS to publish measures for the upcoming fishing year that will prevent overfishing of the resource.

**DATES:** Effective on August 14, 1997.

**ADDRESSES:** Copies of the Environmental Impact Statement for Amendment 8 and supporting documents used by the Monitoring Committee are available from: Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 S. New Street, Dover, DE 19901-6790.

**FOR FURTHER INFORMATION CONTACT:** Regina L. Spallone, Fishery Policy Analyst, (508) 281-9221.

**SUPPLEMENTARY INFORMATION:** The FMP was developed jointly by the Mid-Atlantic Fishery Management Council (Council) and the Atlantic States Marine Fisheries Commission (Commission) in consultation with the New England and South Atlantic Fishery Management Councils. Implementing regulations for the fishery are found at 50 CFR part 648.

Section 648.120 outlines the process for determining annual commercial and recreational catch quotas and other restrictions for the scup fishery. Pursuant to Section 648.120, the Administrator, Northeast Region, NMFS, implements measures for the fishing year to ensure achievement of the annual exploitation rate specified in the FMP.

This document announces a minimum fish size of 7 inches (17.78 cm) for the 1997 recreational scup fishery, which is unchanged from the measure contained in the proposed rule published in the **Federal Register** on April 15, 1997 (62 FR 18309). In addition, for the 1997 recreational scup fishery, there is no possession limit and no closed season consistent with the measures implemented under Amendment 8.

#### Comments and Responses

One comment letter was received from a Massachusetts charter/party boat operator during the public comment period, which ended May 15, 1997.

*Comment:* The commenter believes that a 9-inch (22.86 cm) minimum size should be established because it has worked in Massachusetts and would provide a sustainable fishery.

*Response:* The 7-inch (17.78-cm) minimum fish size is sufficient to constrain the recreational fishery to the harvest limit. In 1995, with no restrictions in the EEZ, recreational

landings were 1.3 million lbs (0.6 million kg), 32 percent fewer than the 1997 harvest limit of 1.947 million lbs (0.88 million kg). In 1996, with a 7-inch (17.78-cm) minimum size, recreational landings were 2.3 million lbs (1.04 million kg) or 16 percent greater than the limit. Given the variability, NMFS believes it is reasonable to maintain the 7-inch (17.78-cm) minimum size for 1997. Additional discussion of the 7-inch (17.78-cm) minimum size limitation may be found in the proposed rule (72 FR 18309, April 15, 1997).

#### Classification

This action is authorized by 50 CFR part 648 and has been determined to be not significant for purposes of E.O. 12866.

The Assistant General Counsel for Legislation and Regulation, Department of Commerce, certified to the Chief Counsel for Advocacy of the Small Business Administration that this rule, if adopted as proposed, would not have a significant economic impact on a substantial number of small entities. The reasons were given in the preamble to the proposed rule and are not repeated here. No comments were received regarding this certification. As a result, a regulatory flexibility analysis was not prepared.

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

Dated: July 10, 1997.

**David L. Evans,**

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

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 961126334-7025-02; I.D. 071097A]

#### Fisheries of the Exclusive Economic Zone Off Alaska, Northern Rockfish in the Central Regulatory Area of the Gulf of Alaska

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

**ACTION:** Closure.

**SUMMARY:** NMFS is closing directed fishing for northern rockfish in the Central Regulatory Area of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the northern rockfish total allowable catch (TAC) in the Central Regulatory Area of the GOA.

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), July 10, 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 northern rockfish TAC in the Central Regulatory Area of the Gulf of Alaska was established by the Final 1997 Harvest Specifications of Groundfish for the GOA (62 FR 8179, February 24, 1997) as 4,150 metric tons (mt), determined in accordance with § 679.20 (c)(3)(ii).

In accordance with § 679.20 (d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the northern rockfish TAC in the Central Regulatory Area of the Gulf of Alaska will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 3,750 mt, and is setting aside the remaining 400 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20 (d)(1)(iii), the Regional Administrator finds that this directed fishing allowance will soon be reached. Consequently, NMFS is prohibiting directed fishing for northern rockfish in the Central Regulatory Area of the GOA.

Maximum retainable bycatch amounts for applicable gear types may be found in the regulations at § 679.20(e) and (f).

This action responds to the best available information recently obtained from the fishery. It must be implemented immediately to prevent overharvesting the 1997 TAC for northern rockfish in the Central Regulatory Area of the GOA. A delay in the effective date is impracticable and contrary to public interest. The fleet will soon take the directed fishing allowance for northern rockfish. Further delay would only result in overharvest and disrupt the FMP's objective of allowing incidental catch to be retained throughout the year. NMFS finds for good cause that the implementation of this action cannot be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

#### 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: July 10, 1997.

**Gary C. Matlock,**

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

[FR Doc. 97-18588 Filed 7-10-97; 3:46 pm]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 961126334-7025-02; I.D. 071197A]

#### Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Regulatory Area of the Gulf of Alaska

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

**ACTION:** Inseason adjustment; request for comments.

**SUMMARY:** NMFS issues an inseason adjustment prohibiting retention of Pacific ocean perch and prohibiting directed fishing for groundfish by vessels using trawl gear except fishing for pollock by vessels using pelagic trawl gear in the Western Regulatory Area of the Gulf of Alaska (GOA). This action is necessary to prevent overfishing of Pacific ocean perch in the Western Regulatory Area of the GOA.

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), July 11, 1997, until 2400 hrs, A.l.t., December 31, 1997.

Comments must be received at the following address no later than 4:30 p.m., A.l.t., July 28, 1997.

**ADDRESSES:** Comments may be sent to Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802, Attn: Lori Gravel, or be delivered to the fourth floor of the Federal Building, 709 West 9th Street, Juneau, AK.

**FOR FURTHER INFORMATION CONTACT:** Andrew Smoker, 907-586-7228.

**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