

may maintain its then existing rates. After exceeding the 15,000 subscriber limit, any further rate adjustments shall not reflect increases in external costs, inflation or channel additions until the system has re-established initial permitted rates in accordance with some other method of rate regulation prescribed in this subpart.

[FR Doc. 97-27151 Filed 10-14-97; 8:45 am]

BILLING CODE 6712-01-P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 285

[I.D. 100797B]

#### Atlantic Tuna Fisheries; Atlantic Bluefin Tuna General Category

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

**ACTION:** Opening of the New York Bight fishery.

**SUMMARY:** NMFS opens the Atlantic bluefin tuna (ABT) General category New York Bight fishery. This action is being taken to extend the season for the General category, provide for fishing opportunities in the New York Bight area, and ensure additional collection of biological assessment and monitoring data.

**DATES:** Effective October 9, 1997, 1 a.m. local time until December 31, 1997, or until the date, published in the **Federal Register**, that the set-aside quota is determined to have been taken.

**FOR FURTHER INFORMATION CONTACT:** Sarah McLaughlin, 301-713-2347, or Pat Scida, 508-281-9260.

**SUPPLEMENTARY INFORMATION:**

Regulations implemented under the authority of the Atlantic Tunas Convention Act (16 U.S.C. 971 *et seq.*) governing the harvest of ABT by persons and vessels subject to U.S. jurisdiction are found at 50 CFR part 285. Section 285.22 subdivides the U.S. quota recommended by the International Commission for the Conservation of Atlantic Tunas among the various domestic fishing categories.

Implementing regulations for the Atlantic tuna fisheries at 50 CFR 285.22 provide for a subquota of 72 mt of large medium and giant ABT to be harvested from the regulatory area by vessels permitted in the General category during the period beginning October 1 and ending December 31. Due to an

overharvest of 1 mt in the September period subquota, and the transfer of 70 mt from other categories (62 FR 51608, October 2, 1997), the October-December period subquota was adjusted to 141 mt. The October-December subquota is divided into a coastwide subquota of 131 mt and 10 mt for the traditional fall New York Bight set-aside area, defined as the waters south and west of a straight line originating at a point on the southern shore of Long Island at 72°27' W. long. (Shinnecock Inlet) and running SSE 150° true, and north of 38°47' N. lat. (Delaware Bay).

NMFS previously announced the closure of the General category fishery for the October-December time period effective October 5, 1997, which published in the **Federal Register** on October 9, 1997. After tallying the landings following the closure, NMFS has determined the remaining unharvested coastwide quota (approximately 10 mt) is insufficient to warrant a reopening of the coastwide General category because daily catch rates in September and October have averaged 30 mt.

The New York Bight set-aside of 10 mt will open effective Thursday, October 9, at 1 a.m. local time. Upon the effective date of the New York Bight set-aside, persons aboard vessels permitted in the General category may fish for, retain, possess, or land large medium and giant ABT only in the New York Bight set-aside area specified above, until the set-aside quota for that area has been harvested. ABT harvested from waters outside the defined set-aside area may not be brought into the set-aside area. Vessels permitted in the Charter/Headboat category, when fishing for large medium and giant ABT, are subject to the same rules as General category vessels when the General category is open.

The announcement of the closure date will be filed with the Office of the Federal Register, and further communicated through the Highly Migratory Species (HMS) Fax Network, the HMS Information Line, NOAA weather radio, and Coast Guard Notice to Mariners. Although notification of closure will be provided as far in advance as possible, fishermen are encouraged to call the HMS Information Line to check the status of the fishery before leaving for a fishing trip. The phone numbers for the HMS Information Line are (301) 713-1279 and (508) 281-9305. Information regarding the Atlantic tuna fisheries is also available toll-free through NextLink Interactive, Inc., at (888) USA-TUNA.

## Classification

This action is taken under 50 CFR 285.22 and is exempt from review under E.O. 12866.

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

Dated: October 8, 1997.

**Gary C. Matlock,**

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

[FR Doc. 97-27133 Filed 10-8-97; 3:19 pm]

BILLING CODE 3510-22-F

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 660

[Docket No. 961227373-6373-01; I.D. 092497C]

#### Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Nontrawl Sablefish Mop-Up Fishery; Announcement of Extension

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

**ACTION:** Nontrawl sablefish mop-up fishery and delay of the limited entry daily trip limit fishery; announcement of extension.

**SUMMARY:** NMFS announces the extension of and new ending date for the mop-up fishery for nontrawl limited entry sablefish. This action will delay the beginning of the October limited entry daily trip limit fishery. This action is taken in response to unusually bad coastwide weather during the first week of the mop-up fishery. This action is intended to increase safety while providing for harvest of the remainder of the 1997 limited entry nontrawl allocation for sablefish.

**DATES:** This action is effective on October 9, 1997. The nontrawl sablefish mop-up fishery began at 1201 hours local time (l.t.), October 1, 1997, and will end at 1200 hours l.t., October 22, 1997, at which time the limited entry daily trip limit fishery resumes. The daily trip limits for the nontrawl sablefish fishery will remain in effect 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 October 22, 1997.

**ADDRESSES:** Comments on these actions should be sent to William Stelle, Jr.,

Administrator, Northwest Region, (Regional Administrator), NMFS, 7600 Sand Point Way NE., Bldg. 1, Seattle, WA 98115-0070; or to William Hogarth, Acting Administrator, Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213. Information relevant to these actions has been compiled in aggregate form and is available for public review during business hours at the office of the Regional Administrator.

**FOR FURTHER INFORMATION CONTACT:** William L. Robinson at 206-526-6140; or Svein Fougner at 562-980-4034.

**SUPPLEMENTARY INFORMATION:** On October 1, 1997, NMFS published an inseason action (62 FR 51381) to announce the start and end dates for the limited entry, fixed gear mop-up fishery for sablefish. When the notice was published, 612 mt (1,349,215 lb) of sablefish was available to the mop-up fishery. The Regional Administrator, in consultation with the Pacific Fishery Management Council (Council), set a mop-up season with a cumulative trip limit of 8,500 lb (3,851 kg) (round weight), to be taken in a 2-week period (October 1-15, 1997). NMFS expected that almost all of the limited entry permit holders with sablefish endorsements would participate in the mop-up fishery and would catch the full cumulative limit amount.

As the mop-up season has progressed, NMFS and the states of Washington, Oregon, and California have received numerous telephone calls from fishermen with sablefish endorsements who are concerned about fishing under unusually difficult wind and storm conditions, and who have asked if the mop-up season might be extended. In confirmation of these reports from fishermen, NMFS has noted that the National Weather Service (NWS) announced several severe weather warnings over the week of October 1-8, 1997, that would likely deter fishers from fishing in the mop-up fishery. In addition, as of October 8, 1997, NWS is forecasting continued high winds, gale warnings, and small craft advisories along the Pacific coast.

NMFS consulted with the three states, the Coast Guard, and the Council Chair on whether to extend the length of the mop-up season. The Coast Guard expressed particular concern about the safety of the small vessels that participate in this fishery, as a result of bad weather. All three states and the Council Chair endorsed extending the mop-up season for 1 week. This extension is designed to allow flexibility for fishermen who were not able to fish during the bad weather of the first week

of the mop-up fishery. In addition, it should deter fishermen from fishing in the dangerous weather that is still forecast, because they will have an additional week to harvest their limit. The season is only being extended by 1 week in order to limit the impacts on the participants in the daily trip limit fishery, whose fishery is delayed until the end of the mop-up fishery. This extension still allows the daily trip limit fishermen to operate the last 9.5 days in October. Therefore, the Regional Administrator agreed to extend the length of the mop-up season, so that the season will end on Wednesday, October 22, at noon. This notice does not change the cumulative trip limit amount.

As announced in the October 1, 1997, notice on the mop-up fishery, daily trip limits will be reimposed after the mop-up fishery and until the end of the year. Following the mop-up season, the daily trip limits will be 300 lb (136 kg) per day, with no more than 1,500 lb (680 kg) taken in any one calendar month.

A daily trip limit is the maximum amount that may be taken and retained, possessed, or landed per vessel in 24 consecutive hours, starting at 0001 hours l.t. Only one landing of groundfish may be made in that 24-hour period. Daily trip limits may not be accumulated. If a trip lasts more than 1 day, only one daily trip limit is allowed. Daily trip limits were in effect until the beginning of the regular season, and went back into effect after the post-season closure ended on September 5, 1997. A cumulative trip limit is the maximum amount of sablefish that may be taken and retained, possessed, or landed per vessel in a specified period of time, with no limit on the number of landings or trips. In addition, no more than one mop-up cumulative limit may be landed on each limited entry permit with a sablefish endorsement.

The sablefish daily trip limit for the limited entry fishery after the mop-up season is 300 lb (136 kg) per day, with no more than 1,500 lb (680 kg) to be taken in any one calendar month. Since the daily trip limits apply to a 24-hour day starting at 0001 hours, but the mop-up fishery begins and ends at 1200 hours, it will be legal for a vessel in the limited entry fishery to land a daily trip limit between 1201 hours and 2400 hours on October 22, 1997, following the mop-up season.

#### **NMFS Actions**

NMFS announces an extension to the end date of the nontrawl sablefish limited entry mop-up fishery and a delay in the reopening of the limited entry daily trip limit fishery. All other provisions remain in effect. In the

January 6, 1997 (62 FR 700) annual management measures, as amended at 62 FR 51381, October 1, 1997, paragraphs IV.E.(2)(c) introductory text and IV.E.(2)(C)(iii) are revised to read as follows:

IV. \* \* \*

E. \* \* \*

(2) *Limited Entry Fishery.* \* \* \*

(c) *Nontrawl trip and size limits.* (i) *Daily trip limits.* Effective 1201 hours October 22, 1997. The daily trip limit for sablefish taken and retained with nontrawl gear north of 36°00' N. lat. is 300 lb (136 kg), not to exceed 1,500 lb (680 kg) cumulative in a calendar month.

\* \* \* \* \*

(iii) *Mop-up Fishery.* Effective 1201 hours October 1, 1997, until 1200 hours l.t. October 22, 1997, the cumulative trip limit for sablefish caught with nontrawl gear in the limited entry fishery is 8,500 lb (3,851 kg) per vessel.

(**Note:** The States of Washington, Oregon, and California use a conversion factor of 1.6 to convert dressed sablefish to its round-weight equivalent. Therefore, 8,500 lb (3,851 kg) round weight corresponds to 5,313 lb (2,407 kg) for dressed sablefish.)

#### **Classification**

These actions are authorized by the Pacific Coast Groundfish Fishery Management Plan, which governs the harvest of groundfish in the U.S. exclusive economic zone off the coasts of Washington, Oregon, and California. 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 Regional Administrator (see **ADDRESSES**) during business hours. Because of the need for immediate action to extend the mop-up fishery for sablefish, as described above, NMFS has determined that providing an opportunity for public notice and prior comment would be contrary to the public interest. Participants in the mop-up season sablefish fishery are concerned about their safety in dangerous fishing conditions. Delay of this rule could prevent NMFS from allowing smooth extension of the mop-up season and would give fishermen strong incentives to fish in bad weather in order to catch their limit before October 15. Therefore, the agency has determined that good cause exists for this document to be published without affording a prior opportunity for public comment or a 30-day delayed effectiveness period. These actions are taken under the authority of 50 CFR 660.323(a)(2), and are exempt from review under E.O. 12866.

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

Dated: October 9, 1997.

**Bruce C. Morehead,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
[FR Doc. 97-27296 Filed 10-9-97; 4:24 pm]

BILLING CODE 3510-22-U

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 679**

[Docket No. 961107312-7021-02; I.D. 100797A]

**Fisheries of the Exclusive Economic Zone Off Alaska; "Other Rockfish" Species Group in the Bering Sea Subarea**

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

**ACTION:** Closure.

**SUMMARY:** NMFS is prohibiting retention of the "other rockfish" species group in the Bering Sea subarea of the Bering Sea and Aleutian Islands management area (BSAI). NMFS is requiring that catch of "other rockfish" in this area be treated in the same manner as prohibited species and discarded at sea with a minimum of injury. This action is

necessary because the "other rockfish" species group 1997 total allowable catch (TAC) in this area has been reached.

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), October 8, 1997, until 2400 hrs, A.l.t., December 31, 1997.

**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 Fishery Management Plan for the Groundfish Fishery 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.

The 1997 TAC of the "other rockfish" species group in the Bering Sea subarea was established as 317 metric tons by the Final 1997 Harvest Specifications of Groundfish for the BSAI (62 FR 7168, February 18, 1997). See § 679.20(c)(3)(iii).

In accordance with § 679.20(d)(2), the Administrator, Alaska Region, NMFS, has determined that the 1997 TAC for the "other rockfish" species group in the Bering Sea subarea has been reached. Therefore, NMFS is requiring that further catches of "other rockfish" in the Bering Sea subarea be treated as

prohibited species in accordance with § 679.21(b).

**Classification**

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 the "other rockfish" species group in the Bering Sea subarea of the BSAI. Providing prior notice and opportunity for public comment is impracticable and contrary to public interest. The fleet has taken the directed fishing allowance for the "other rockfish" species group in the Bering Sea subarea. Further delay would only result in overharvest and disrupt the FMP's objective of not exceeding the TAC 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.

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

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

Dated: October 8, 1997.

**Bruce Morehead,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
[FR Doc. 97-27160 Filed 10-8-97; 4:51 pm]

BILLING CODE 3510-22-F