

SUPPLEMENTARY INFORMATION: NMFS published in the **Federal Register** an emergency closure of the drift gillnet fishery for swordfish in the Atlantic Ocean, including the Gulf of Mexico and Caribbean Sea, from December 1, 1996, through May 29, 1997 (61 FR 64486, December 5, 1996). The emergency closure was made effective while NMFS continues with consultation under section 7 of the Endangered Species Act (ESA) for Atlantic swordfish fisheries due to new information regarding the status of the northern right whale (*Eubaleana glacialis*). The closure was necessary to ensure that, pending consultation on this fishery, 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. Additional background on the reasons for the action are detailed in the emergency closure and are not repeated here.

This emergency closure is to remain effective until May 29, 1997, or until completion of consultation with the issuance of a biological opinion on the swordfish drift gillnet fishery, whichever comes first. To date, a biological opinion is pending and NMFS is continuing with consultation under the ESA.

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

Dated: May 7, 1997.

Bruce Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
[FR Doc. 97-12529 Filed 5-8-97; 4:42 pm]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 674 and 679

[Docket No. 970326069-7069-01; I.D. 022597F]

RIN 0648-AJ38

Fisheries of the Exclusive Economic Zone Off Alaska; High Seas Salmon Fishery Off Alaska; Correction

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

ACTION: Final rule; correction.

SUMMARY: NMFS issued a final rule (I.D. 022597F), which was published in the **Federal Register** on April 23, 1997 (62 FR 19686). The final rule consolidated

50 CFR part 674 into 50 CFR part 679 as part of the President's Regulatory Reform Initiative. This document contains a correction to that final rule.

EFFECTIVE DATE: May 23, 1997.

FOR FURTHER INFORMATION CONTACT: Patsy A. Bearden, 907-586-7228.

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are the subject of this correction removed 50 CFR part 674, the regulations implementing the Salmon Fishery Management Plan, and consolidated the regulations contained therein into 50 CFR part 679, Fisheries of the Exclusive Economic Zone (EEZ) off Alaska. It was not intended to make substantive changes to existing regulations. The action was intended to provide the public with a single reference source for the Federal fisheries regulations specific to the EEZ off Alaska and result in regulations that are more concise and easier to use.

Need for Correction

As published, the final rule revised the definition of "Authorized fishing gear" to include the "hand troll gear" and "power troll gear", the authorized gears as defined in 50 CFR part 674 for the salmon fishery off Alaska. However, the introductory text for the term "Authorized fishing gear" did not contain the terms "dive" and "scallop dredge". Dive gear and scallop dredges were designated as authorized fishing gear in the scallop fishery off Alaska by a final rule published in the **Federal Register** on July 23, 1996 (61 FR 38099). NMFS inadvertently removed the terms from the introductory text in the consolidation.

Correction of Publication

Accordingly, the publication on April 23, 1997 (62 FR 19686), of the final regulations (I.D. 022597F), which was the subject of FR Doc. 97-10462 is corrected as follows:

On page 19687, in the third column, in § 679.2, the introductory paragraph of the definition of "Authorized fishing gear" is revised by adding the term "dive," after the word "means" and by adding the term "scallop dredge," after the term "pot-and-line,"

Authority: 16 U.S.C. 773 *et seq.*, 1801 *et seq.*, and 3631 *et seq.*

Dated: May 7, 1997.

Rolland A. Schmitten,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 97-12530 Filed 5-13-97; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 678

[I.D. 050197B]

Atlantic Shark Fisheries; Quota Adjustment

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

ACTION: Quota adjustment.

SUMMARY: NMFS announces that the catch of large coastal sharks in the Atlantic, Caribbean, and Gulf of Mexico was 958 metric tons (mt) during the first semiannual 1997 season. Because of the overharvest of this category quota, the second semiannual 1997 quota is adjusted accordingly.

DATES: Effective July 1, 1997.

FOR FURTHER INFORMATION CONTACT: C. Michael Bailey, John Kelly or Margo Schulze at 301-713-2347; or Buck Sutter at 813-570-5324.

SUPPLEMENTARY INFORMATION:

The Atlantic, Caribbean, and Gulf of Mexico shark fisheries are managed by NMFS according to the Fishery Management Plan (FMP) for Atlantic Sharks prepared by NMFS under authority of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*). Fishing by U.S. vessels is governed by regulations implementing the FMP at 50 CFR part 678.

Section 678.24(b) of the regulations provides for two semi-annual quotas of 642 mt of large coastal sharks to be harvested from Atlantic, Caribbean, and Gulf of Mexico waters by commercial fishermen. The first semiannual quota was available for harvest from January 1 through June 30, 1997.

The Assistant Administrator for Fisheries, NOAA, is authorized under § 678.24(c) to adjust the semiannual quota to reflect actual catches during the preceding semiannual period. Final data indicate that the catch of large coastal shark species from January through April 7, 1997, totaled 958 mt, which is 316 mt more than the established quota. Therefore, the adjusted quota for large coastal shark species for the second 1997 semiannual period is decreased from 642 mt to 326 mt. The adjusted quota of 326 mt is available for the period July 1 through December 31, 1997.

Classification

This rule is exempt from review under E.O. 12866.

Dated: May 8, 1997.

Gary Matlock,

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

[FR Doc. 97-12620 Filed 5-13-97; 8:45 am]

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DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 679**

[Docket No. 961107312-7021-02; I.D. 050797A]

Fisheries of the Exclusive Economic Zone Off Alaska; Yellowfin Sole by Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands

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

ACTION: Modification of a closure.

SUMMARY: NMFS is opening directed fishing for yellowfin sole by vessels using trawl gear in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to fully utilize the second seasonal bycatch allowance of Pacific halibut apportioned to the trawl yellowfin sole fishery category in the BSAI.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), May 9, 1997, through 2400 hrs, A.l.t., December 31, 1997.

FOR FURTHER INFORMATION CONTACT: Andrew N. Smoker, 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.

Directed fishing for yellowfin sole by vessels using trawl gear in the BSAI was prohibited on April 29, 1997 (62 FR 24058, May 2, 1997) to prevent exceeding the second seasonal bycatch allowance of Pacific halibut apportioned to that fishery.

The Administrator, Alaska Region, NMFS, has determined that as of May 3,

1997, 20 metric tons of halibut mortality remain in the second seasonal bycatch allowance. Therefore, NMFS is terminating the previous closure and is opening directed fishing for yellowfin sole by vessels using trawl gear in the BSAI. The third seasonal bycatch allowance of yellowfin sole by vessels using trawl gear in the BSAI becomes available on May 11, 1997.

All other closures remain in full force and effect.

Classification

This action is required by § 675.20 and is exempt from review under E.O. 12866.

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

Dated: May 8, 1997.

Gary C. Matlock,

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

[FR Doc. 97-12619 Filed 5-9-97; 1:29 pm]

BILLING CODE 3510-22-M

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 679**

[Docket No. 961107312-7021-02; I.D. 050797C]

Fisheries of the Exclusive Economic Zone Off Alaska; Shortraker and Rougheye Rockfish in the Aleutian Islands Subarea

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 cod and Greenland turbot in the Aleutian Islands subarea of the Bering Sea and Aleutian Islands management area (BSAI) by vessels using hook-and-line gear. This action is necessary to prevent overfishing of the shortraker/rougheye rockfish species group.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), May 10, 1997, until 2400 hrs, A.l.t., December 31, 1997.

Comments must be received at the following address no later than 1630 hrs, A.l.t., May 27, 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 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 Magnuson-Stevens Act requires that conservation and management measures prevent overfishing. The 1997 overfishing level for the shortraker/rougheye rockfish species group in the Aleutian Islands subarea of the BSAI is established by the Final 1997 Harvest Specifications of Groundfish for the BSAI (62 FR 7168, February 18, 1997) as 1,250 metric tons (mt) and the acceptable biological catch as 938 mt. As of April 26, 1997, 1,189 mt of shortraker/rougheye rockfish have been caught.

NMFS closed directed fishing for shortraker/rougheye rockfish in the Aleutian Islands subarea in the Final 1997 Harvest Specifications of Groundfish for the BSAI and prohibited retention of shortraker/rougheye rockfish on April 2, 1997 (62 FR 16736, April 8, 1997). The trawling season for Atka mackerel and rockfish of the genus *Sebastes* and *Sebastolobus* was closed April 21, 1997 (62 FR 20129, April 25, 1997) to prevent overfishing of shortraker/rougheye. Substantial hook-and-line fishing effort will be directed at remaining amounts of Pacific cod and Greenland turbot in the Aleutian Islands subarea during 1997. These fisheries can have significant bycatch of shortraker/rougheye rockfish.

The Administrator, Alaska Region, NMFS, has determined, in accordance with § 679.25(a)(1)(i) and (a)(2)(iii), that closing the seasons by prohibiting retention of Pacific cod and Greenland turbot in the Aleutian Islands subarea by vessels using hook-and-line gear is necessary to prevent overfishing of the shortraker/rougheye rockfish species group, and are the least restrictive measures to achieve this purpose. Without this prohibition of retention, significant incidental catch of shortraker/rougheye rockfish would occur by hook-and-line vessels targeting Pacific cod and Greenland turbot.