

Dated: January 8, 1998.  
**R.R. Pixa,**  
*Captain, JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (Admiralty).*  
 [FR Doc. 98-4933 Filed 2-25-98; 8:45 am]  
 BILLING CODE 3810-FF-P

**DEPARTMENT OF DEFENSE**

**Department of the Navy**

**32 CFR Part 706**

**Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972**

**AGENCY:** Department of the Navy, DOD.

**ACTION:** Final rule.

**SUMMARY:** The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Deputy Assistant Judge Advocate General (Admiralty) of the Navy has determined that USS DENVER (LPD 9) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with certain provisions of the 72 COLREGS without interfering with its special functions as a naval ship. The intended effect of this

rule is to warn mariners in waters where 72 COLREGS apply.

**EFFECTIVE DATE:** November 21, 1997.

**FOR FURTHER INFORMATION CONTACT:** Captain R. R. Pixa, JAGC, U.S. Navy, Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, Virginia, 22332-2400, Telephone Number: (703) 325-9744.

**SUPPLEMENTARY INFORMATION:** Pursuant to the authority granted in 33 U.S.C. 1065, the Department of the Navy amends 32 CFR part 706. This amendment provides notice that the Deputy Assistant Judge Advocate General (Admiralty) of the Navy, under authority delegated by the Secretary of the Navy, has certified that USS DENVER (LPD 9) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with the following specific provisions of 72 COLREGS without interfering with its special functions as a naval ship: Annex I, section 2(a)(i), pertaining to the height of the forward masthead light; Annex I, section 2 (g), pertaining to the distance of the sidelights above the hull; and, Annex I, section 3(a), pertaining to the horizontal distance between the forward and after masthead lights. The Deputy Assistant Judge Advocate General (Admiralty) of the Navy has also

certified that the lights involved are located in closest possible compliance with the applicable 72 COLREGS requirements

Moreover, it has been determined, in accordance with 32 CFR parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on this vessel in a manner differently from that prescribed herein will adversely affect the vessel's ability to perform its military functions.

**List of Subjects in 32 CFR Part 706**

Marine safety, Navigation (water), and Vessels.

Accordingly, 32 CFR part 706 is amended as follows:

**PART 706—[AMENDED]**

1. The authority citation for 32 CFR part 706 continues to read as follows:

**Authority:** 33 U.S.C. 1605.

2. Table One of § 706.2 is amended by adding, in numerical order, the following entry for the USS DENVER:

**§ 706.2 Certifications of the Secretary of the Navy under Executive Order 11964 and 33 U.S.C. 1605.**

\* \* \* \* \*

Vessel	Number	Distance in meters of forward masthead light below minimum required height. § 2(a)(i), annex 1
USS DENVER .....	LPD 9	4.4

\* \* \* \* \*  
 3. Table Four, Paragraph 19 of § 706.2 is amended by adding, in numerical

order, the following entry for the USS DENVER:

**§ 706.2 Certifications of the Secretary of the Navy under Executive Order 11964 and 33 U.S.C. 1605.**

\* \* \* \* \*

Vessel	Number	Distance in meters of sidelights above maximum allowed height
USS DENVER .....	LPD 9	4.9

\* \* \* \* \*

4. Table Five of § 706.2 is amended by revising the entry for the USS DENVER to read as follows:

**§ 706.2 Certifications of the Secretary of the Navy under Executive Order 11964 and 33 U.S.C. 1605.**

\* \* \* \* \*

TABLE FIVE

Vessel	No.	Masthead lights not over all other lights and obstructions. annex 1, sec. 2(f)	Forward masthead light not in forward quarter of ship. annex 1, sec. 3(a)	After masthead light less than 2 ship's length aft of forward masthead light. annex 1, sec. 3(a)	Percentage horizontal separation attained
USS DENVER .....	LPD 9	N/A	N/A	X	54.7

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*Captain, JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (Admiralty).*  
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**DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
**50 CFR Part 679**  
 [Docket No. 971208296-7296-01; I.D. 022098A]  
**Fisheries of the Exclusive Economic Zone Off Alaska; Offshore Component of Pollock in the Bering Sea Subarea**  
**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.  
**ACTION:** Closure.

**SUMMARY:** NMFS is prohibiting directed fishing for pollock by vessels catching pollock for processing by the offshore component in the Bering Sea subarea (BS) of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the proposed first seasonal allowance of pollock apportioned to vessels harvesting pollock for processing by the offshore component in the BS.  
**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), February 20, 1998, until 1200 hrs, A.l.t., April 15, 1998.  
**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. processors 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)(2)(ii), the proposed first seasonal allowance of pollock for vessels catching pollock for processing by the offshore component in the BS of the BSAI was established as 280,946 metric tons (mt) by the Interim 1998 Harvest Specifications of Groundfish for the BSAI (62 FR 65626, December 15, 1998).  
 In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the proposed first seasonal allowance of pollock for vessels catching pollock for processing by the offshore component in the BS has been reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 253,946 mt, and is setting aside the remaining 27,000 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 has been reached. Consequently, NMFS is prohibiting directed fishing for pollock by vessels catching pollock for processing by the offshore component in the Bering Sea subarea of the BSAI.

This closure is effective from February 20, 1998, through 1200 hrs, A.l.t., April 15, 1998. Under § 679.20(a)(5)(i), the second seasonal allowance of pollock TAC will become available for directed fishing at 1200 hrs, A.l.t., September 1, 1998. 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 in order to prevent overharvesting the proposed first seasonal allowance of pollock for vessels catching pollock for processing by the offshore component in the BS of the BSAI. A delay in the effective date is impracticable and contrary to the public interest. The fleet has already taken the proposed first seasonal allowance of pollock for vessels catching pollock for processing by the offshore component in the BS of the BSAI. Further delay would only result in overharvest which would disrupt the FMP's objective of providing sufficient pollock as bycatch to support other anticipated groundfish fisheries. NMFS finds for good cause that the implementation of this action can not 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 § 679.20 and is exempt from review under E.O. 12866.  
**Authority:** 16 U.S.C. 1801 *et seq.*