

§ 31.40 Stays ordered by the Department of Justice.

If at any time the Attorney General or an Assistant Attorney General designated by the Attorney General transmits to the authority head a written finding that continuation of the administrative process described in this part with respect to a claim or statement may adversely affect any pending or potential criminal or civil action related to such claim or statement, the authority head shall stay the process immediately. The authority head may order the process resumed only upon receipt of the written authorization of the Attorney General.

§ 31.41 Stay pending appeal.

(a) An initial decision is stayed automatically pending disposition of a motion for reconsideration or of an appeal to the authority head.

(b) No administrative stay is available following a final decision of the authority head.

§ 31.42 Judicial review.

Section 3805 of Title 31, United States Code, authorizes judicial review by an appropriate United States District Court of a final decision of the authority head imposing penalties or assessments under this part and specifies the procedures for such review.

§ 31.43 Collection of civil penalties and assessments.

Sections 3806 and 3808(b) of Title 31, United States Code, authorize actions for collection of civil penalties and assessments imposed under this part and specify the procedures for such actions.

§ 31.44 Right to administrative offset.

The amount of any penalty or assessment which has become final, or for which a judgment has been entered under § 31.42 or § 31.43, or any amount agreed upon in a compromise or settlement under § 31.46, may be collected by administrative offset under 31 U.S.C. 3716, except that an administrative offset may not be made under this subsection against a refund of an overpayment of Federal taxes, then or later owing by the United States to the defendant.

§ 31.45 Deposit in Treasury of United States.

All amounts collected pursuant to this part shall be deposited as miscellaneous receipts in the Treasury of the United States, except as provided in 31 U.S.C. 3806(g).

§ 31.46 Compromise or settlement.

(a) Parties may make offers of compromise or settlement at any time.

(b) The reviewing official has the exclusive authority to compromise or settle a case under this part at any time after the date on which the reviewing official is permitted to issue a complaint and before the date on which the ALJ issues an initial decision.

(c) The authority head has exclusive authority to compromise or settle a case under this part at any time after the date on which the ALJ issues an initial decision, except during the pendency of any review under § 31.42 or during the pendency of any action to collect penalties and assessments under § 31.43.

(d) The Attorney General has exclusive authority to compromise or settle a case under this part during the pendency of any review under § 31.42 or of any action to recover penalties and assessments under 31 U.S.C. 3806.

(e) The investigating official may recommend settlement terms to the reviewing official, the authority head, or the Attorney General, as appropriate. The reviewing official may recommend settlement terms to the authority head, or the Attorney General, as appropriate.

(f) Any compromise or settlement must be in writing.

§ 31.47 Limitations.

(a) The notice of hearing with respect to a claim or statement must be served in the manner specified in § 31.8 within 6 years after the date on which such claim or statement is made.

(b) If the defendant fails to serve a timely answer, service of a notice under § 31.10(b) shall be deemed a notice of hearing for purposes of this section.

(c) The statute of limitations may be extended by agreement of the parties.

[FR Doc. 88-716 Filed 1-13-88; 8:45 am]

BILLING CODE 4910-62-M

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Parts 611 and 672**

[Docket No. 71146-8001]

Foreign Fishing; Groundfish of the Gulf of Alaska

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Final notice of 1988 initial specifications of groundfish; prohibited species catch limits for certain groundfish species and for Pacific

halibut; reapportionments of reserves; request for comments.

SUMMARY: The Secretary of Commerce (Secretary) announces 1988 (1) total allowable catches (TACs) for each category of groundfish in the Gulf of Alaska and apportionments thereof, including reserves; (2) assignments of the sablefish TAC to authorized fishing gear users; (3) prohibited species catch (PSC) limits for certain groundfish species and Pacific halibut that will be imposed on joint venture processing (JVP) fisheries; and (4) PSC limits of Pacific halibut on domestic annual processing (DAP) fisheries. These actions are intended to specify the allowable harvest and PSC levels of groundfish for the 1988 fishing year. This action is necessary to provide the public with the Secretary's determination of the groundfish harvest quotas and apportionments.

DATES: Effective January 1, 1988.

Comments are invited on the reapportionments of reserves to JVP and DAP until January 26, 1988.

ADDRESS: Comments should be sent to Robert W. McVey, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 021668, Juneau, AK 99802.

FOR FURTHER INFORMATION CONTACT: Ronald J. Berg (Fishery Management Biologist, NMFS), 907-586-7230.

SUPPLEMENTARY INFORMATION:**Background**

This notice establishes three quotas related to groundfish management in the Gulf of Alaska for the 1988 fishing year. They are: (1) TACs, (2) PSC limits for fully utilized groundfish species, and (3) PSC limits for Pacific halibut. The Secretary has adopted, for the interim, the use of the acronym TAC in this notice, which is contained in Amendment 16 to the FMP, in lieu of target quota (TQ). The Secretary is currently reviewing Amendment 16 under section 304 of the Magnuson Fishery Conservation and Management Act (Magnuson Act). He has also included in this notice, for the interim, Atka mackerel and squid in the "other species" category, which are included in the Amendment 16 management regime. He is taking these interim actions to avoid confusion in the fishing industry, which is aware of these proposed changes.

(1) Total Allowable Catches.

TACs for groundfish species in the Gulf of Alaska are established by the Fishery Management Plan for

Groundfish of the Gulf of Alaska (FMP). This FMP was developed under the Magnuson Act and is implemented by regulations appearing at 50 CFR 611.92 and Part 672. The sum of the TACs for all species must fall within the combined optimum yield (OY) range established for these species of 116,000–800,000 metric tons (mt).

TACs are apportioned initially among DAP, JVP, reserves, and total allowable level of foreign fishing (TALFF) for each species under §§ 611.92 and 672.20(a)(2). DAP amounts are intended for harvest by U.S. fishermen for delivery and sale to U.S. processors. JVP amounts are intended for joint ventures in which U.S. fishermen typically deliver their catches to foreign processors at sea. TALFF amounts are intended for harvest by foreign fishermen. The reserves for the Gulf of Alaska are 20 percent of the TAC for each species category. These reserve amounts are set aside for possible reapportionment to DAP and/or to JVP if the initial apportionments prove inadequate. Reserves which are not reapportioned to DAP or JVP may be reapportioned to TALFF.

Under §§ 611.92 and 672.20(a)(2), the Secretary, after consultation with the North Pacific Fishery Management Council, specifies the TAC for each calendar year for each target species and the "other species" category, and apportions the TACs among DAP, JVP, reserves, and TALFF. The sum of the TACs must be within the OY range.

Under § 672.20(c)(1), the preliminary specifications of DAP and JVP amounts were published in the *Federal Register* (52 FR 44154, November 18, 1987) and comments were requested to be submitted to the Regional Director until December 18, 1987. Two letters of comments were received, which are summarized and responded to below.

The Council met December 8–11, 1987, to review the best available information on the status of groundfish stocks. This information was contained in the Resource Assessment Document (RAD), which was prepared and presented by the Gulf of Alaska Groundfish Plan Team to the Council and to the Council's Scientific and Statistical Committee (SSC) and Advisory Panel (AP). Information contained in the RAD was from the 1987 triennial survey of groundfish conducted by the Northwest and Alaska Fisheries Center, NMFS and from results of hydroacoustic surveys of pollock stocks conducted in 1986. The Council's SSC reviewed the available information and recommended to the Council the acceptable biological catches (ABCs) discussed below and shown in Table 1 of § 672.20. The AP also considered information contained

in the RAD and recommended TACs for each species.

The plan Team's RAD, with the SSC's and AP's recommendations and the Council's actions at its December 8–11 meeting, is summarized as follows:

Pollock—The Plan Team considers the condition of the pollock biomass, which is based on three-year-old and older fish, to be fair, but increasing in size. The 1986 biomass of 496,300 mt was projected to reach 687,000 mt in 1987 and 866,600 to 1,033,000 mt in 1988, depending on the various recruitment and catch levels. The predicted increases in biomass are primarily due to the strong 1984 year class. The Plan Team has identified an ABC range of 90,000 to 120,000 mt for the combined Western and Central (Western/Central) Regulatory Areas for 1988. Harvests in this range would allow the biomass to increase into 1989 for three of the four recruitment scenarios, and would promote a stable biomass for even the most pessimistic recruitment scenario. A preliminary ABC of 3,375 mt was estimated by the Plan Team for the Eastern Regulatory Area. For the Western/Central Regulatory Area, the SSC recommended an ABC of 90,000 mt and the AP recommended a TAC of 90,000 mt. For the Eastern Regulatory Area, the SSC recommended an ABC of 3,000 mt and the AP recommended that the TAC equal the SSC's ABC. The Council adopted TACs of 90,000 mt and 3,000 mt for the Western/Central and Eastern Regulatory Areas, respectively.

Pacific cod—The Plan Team considers the condition of the Pacific cod biomass, which is based on fish of all age groups, to be good and stable in size. The current estimate of biomass is 481,700 mt. The Plan Team recommended that the ABC be a range of 99,000 mt to 185,000 mt, apportioned according to the distribution of the 1987 trawl survey. The SSC recommended an ABC of 99,000 mt and the AP recommended a TAC of 70,000 mt. The Council adopted a TAC of 80,000 mt with apportionments among the regulatory areas as follows: Western—19,000 mt; Central—60,800 mt; and Eastern—200 mt.

Flounders—The Plan Team considers the condition of the flounder biomass, which is based on fish of all age groups, to be good and stable in size. The current estimate of biomass is 2,110,800 mt. The Plan Team recommended the ABC should be set at 767,700 mt. The SSC adopted the Plan Team's recommendation. The AP recommended a TAC of 32,000 mt, which reflects the conservation objectives of the Council to protect Pacific halibut in a flounder trawl fishery. The Council adopted a TAC of 23,000 mt, after considering the

mix of various fisheries by gear type and the continued recommendation of the International Pacific Halibut Commission to establish a mortality level for Pacific halibut in the Gulf of Alaska at no more than 2,000 mt.

Rockfish in the genus *Sebastes*—In 1987, harvest quotas for rockfish in the genus *Sebastes* were specified for the following management categories: (a) "Other rockfish" throughout the Gulf of Alaska, (b) the separately defined Pacific ocean perch complex in each of the three regulatory areas, and (c) demersal shelf rockfish in the Southeast Outside District of the Eastern Regulatory Area. For 1988, TACs for this genus are specified for the following management categories: (a) "other rockfish", including the Pacific ocean perch complex in each of the three regulatory areas, (b) pelagic shelf rockfish in each of the three regulatory areas, and (c) demersal shelf rockfish in the Southeast Outside District of the Eastern Regulatory Area.

"Other rockfish"—The Plan Team considers the condition of this assemblage to be fair and the biomass, which is based on all age groups, to be increasing in size. The current biomass is estimated to be 798,400 mt. The Plan Team recommended the ABC should be set at 16,800 mt. The SSC adopted the Plan Team's recommendation. The AP recommended a TAC of 16,800 mt and the Council adopted the AP's recommendation with apportionments among the regulatory areas as follows: Western—4,850 mt; Central—7,100 mt; and Eastern—4,850 mt.

Pelagic shelf rockfish—The Plan Team considers the condition of this assemblage to be fair and the biomass, which is on all age groups, to be increasing in size. The current biomass is estimated to be 165,000 mt. The Plan Team recommended the ABC should be set at 3,300 mt. The SSC adopted the Plan Team's recommendation. The AP recommended a TAC of 3,300 mt and the Council adopted the AP's recommendation with apportionments among the regulatory areas as follows: Western—550 mt; Central—2,350 mt; and Eastern—400 mt.

Shelf demersal rockfish—No information is available to estimate biomass or yield for shelf demersal rockfish. This rockfish assemblage is the target of a longline fishery in the Southeast Outside District. Information from the Alaska Department of Fish and Game on this rockfish assemblage suggests that the population is declining. The AP and Plan Team recommended the TAC for shelf demersal rockfish in the Southeast Outside District be set at

660 mt, in accordance with recommendations from the Alaska Department of Fish and Game made on the basis of performance of the fishery in 1987. Should inseason catch information indicate that stocks may not be sufficiently abundant to produce a harvest equal to TAC, closures may be necessary to prevent overfishing.

Thornyhead rockfish—The Plan Team considers the condition of this assemblage to be fair, but the biomass, which is based on all age groups, to be declining in size. The current biomass is estimated to be 99,000 mt. The Plan Team recommended the ABC should be set at 7,750 mt. The SSC adopted the Plan Team's recommendation. The AP recommended a TAC of 3,750 mt and the Council adopted the AP's recommendation for a Gulf of Alaska-wide TAC.

Sablefish—The Plan Team considers the condition of sablefish to be good and the biomass in water depths between 200 meters and 1,000 meters to be stable at 520,000 mt and above a level which will produce maximum sustainable yield. The Plan Team recommended the ABC should be set at 35,000 mt. The SSC adopted the Plan Team's recommendation. The AP recommended a TAC of 28,000 mt and the Council adopted the AP's recommendation with apportionments among the regulatory areas and districts as follows: Western—4,060 mt; Central—12,540 mt; West Yakutat District—4,900 mt; and Southeast Outside/East Yakutat District—6,500 mt.

"Other species"—No recommendations were made by the

Plan Team for this group. FMP procedures define the quota for this category be set at 5 percent of the sum of the TACs established for the other groundfish categories, or 12,426 mt.

The sum of the above TACs adopted by the Council is 260,936 mt, which falls within the OY range specified by the FMP. The Council, after adopting the TACs, then deliberated on the apportionment of the TACs for each species among DAP, JVP, reserve, and TALFF. The Council reviewed the results of the NMFS-conducted U.S. processor survey and the stated requests by joint venture companies for JVP. Prior to the Council's meeting, NMFS surveyed the U.S. processing industry about its processing capacity and the extent to which that capacity will be used for groundfish species in 1988. This survey did not include sablefish and all of the rockfish species, which are known to be fully utilized as a result of prior years' harvests. The survey did include pollock, Pacific cod, and flounder. When the Regional Director reviewed the survey results, he considered the probability that those amounts would actually be processed, considering the amount of processing machinery that was available or which was planned for, but not yet in place, both on shore and on catcher/processor and mothership processor vessels.

In doing so, the Regional Director discounted some of the survey results as overly optimistic. He presented his analysis (see table of NMFS projections of DAP for pollock, Pacific cod, and flounder, below) to the Council, which in turn used it to recommend to the

Secretary initial DAP specifications. TALFF is set at zero, because all species are expected to be fully utilized by U.S. fishermen, either in DAP or JVP fisheries.

DAP requests (mt) that were submitted to NMFS, and NMFS' initial projections of DAP (mt) for pollock, Pacific cod, and flounder for 1988 following its survey of U.S. processors.

	DAP requests	NMFS initial projections
Pollock	145,425	111,299
Pacific Cod	79,492	62,567
Flounder	24,465	16,128

The Secretary has reviewed the Council's recommendation for TAC specifications and apportionments and hereby implements these specifications under § 672.20(c)(1). The FMP stipulates that 20 percent of each TAC be set aside in a reserve for possible reapportionment at a later date. At this time, the Secretary is reapportioning reserves for each species category to either DAP or JVP, which, added together, equal domestic annual harvest (DAH).

By doing so, the Secretary is anticipating that U.S. fishermen will need all of the DAH amounts so specified. Only those amounts that the Secretary has determined will not be needed by DAP are proposed to be apportioned to JVP at this time.

This information is summarized in Table 1.

TABLE 1.—INITIAL ABCs, TACs, DAPs, JVPs, RESERVES, AND TALFFs OF GROUND FISH (METRIC TONS) FOR THE WESTERN/CENTRAL (W/C), WESTERN (W), CENTRAL (C), AND EASTERN (E) REGULATORY AREAS AND IN THE WEST YAKUTAT (WYK), AND SOUTHEAST OUTSIDE (SEO) DISTRICTS AND GULF-WIDE (GW) OF THE GULF OF ALASKA

Species	Area ¹	ABC	TAC	Reserve	DAP	JVP	TALFF
Pollock	W/C	90,000	90,000	0	90,000	0	0
	E	3,000	3,000	0	3,000	0	0
Total		93,000	93,000	0	93,000	0	0
Pacific cod	W	19,000	19,000	0	13,000	6,000	0
	C	73,000	60,800	0	55,750	5,050	0
	E	7,000	200	0	200	0	0
Total		99,000	80,000	0	68,950	11,050	0
Flounders	W	142,650	1,600	0	1,550	50	0
	C	538,280	21,300	0	14,300	7,000	0
	E	86,770	100	0	100	0	0
Total		767,700	23,000	0	15,950	7,050	0
Sablefish	W	5,075	4,060	0	4,060	0	0
	C	15,680	12,540	0	12,540	0	0
	WYK	6,125	4,900	0	4,900	0	0
	SEO/EYK	8,120	6,500	0	6,500	0	0
Total		35,000	28,000	0	28,000	0	0

TABLE 1.—INITIAL ABCS, TACS, DAPS, JVPs, RESERVES, AND TALFFS OF GROUND FISH (METRIC TONS) FOR THE WESTERN/CENTRAL (W/C), WESTERN (W), CENTRAL (C), AND EASTERN (E) REGULATORY AREAS AND IN THE WEST YAKUTAT (WYK), AND SOUTHEAST OUTSIDE (SEO) DISTRICTS AND GULF-WIDE (GW) OF THE GULF OF ALASKA—Continued

Species	Area ¹	ABC	TAC	Reserve	DAP	JVP	TALFF
Other rockfish ²	W	4,850	4,850	0	4,850	0	0
	C	7,100	7,100	0	7,100	0	0
	E	4,850	4,850	0	4,850	0	0
Total		16,800	16,800	0	16,800	0	0
Pelagic shelf rockfish ³	W	550	550	0	550	0	0
	C	2,350	2,350	0	2,350	0	0
	E	400	400	0	400	0	0
Total		3,300	3,300	0	3,300	0	0
Demersal shelf rockfish ⁴	SEO	N/A	660	0	660	0	0
Thornyhead rockfish	GW	3,750	3,750	0	3,750	50	0
Other species ⁵	GW	N/A	12,426	0	10,926	1,500	0
Total			260,936	0	241,286	19,650	0

¹ See Figure 1 of § 672.20 for description of regulatory areas/districts.

² The category "other rockfish" in the Western and Central Regulatory Areas and in the West Yukutat District includes all fish of the genus *Sebastes* except pelagic shelf rockfish. The category "other rockfish" in the Southeast Outside District includes all fish of the genus *Sebastes* except pelagic shelf rockfish and demersal shelf rockfish.

³ The category pelagic shelf rockfish includes *Sebastes melanops* (black rockfish), *S. mystinus* (blue rockfish), *S. ciliatus* (dusky rockfish), *S. entomelas* (widow rockfish), and *S. flavidus* (yellowtail rockfish).

⁴ Demersal shelf rockfish includes *Sebastes paucispinus* (bocaccio), *S. nebulosus* (China rockfish), *S. caurinus* (copper rockfish), *S. malliger* (quillback rockfish), *S. proriger* (redstripe rockfish), *S. helvomaculatus* (rosethorn rockfish), *S. brevispinis* (silvergray rockfish), *S. nigrocinctus* (tiger rockfish), *S. ruberrimus* (yelloweye rockfish), and *S. pinniger* (canary rockfish).

⁵ The category "other species" includes sculpins, sharks, skates, eulachon, smelts, octopus, Atka mackerel, and squid. The TAC is equal to 5 percent of the TACs of the target species.

(2) Fully Utilized Species

Section 672.20(b)(1) specifies that if the Secretary determines after consultation with the Council that the TAC for any species or species group will be fully utilized in the DAP fishery, he may specify for 1988 the PSC limit applicable to the JVP fisheries for that species or species group. Any specified PSC limit must be for bycatch only and cannot be retained. JVP fisheries have been established in the Western and Central Regulatory Areas for Pacific cod and in the Central Regulatory Area for flounder. Therefore, the issue of fully utilized species is relevant to these JVP fisheries. The Secretary, on the basis of the NMFS-conducted U.S. processor surveys has determined that three species or species groups will be fully utilized in 1988 where JVP fisheries will be prosecuted. These are pollock, sablefish, and "other rockfish".

The Council reviewed information on bycatch amounts of these fully utilized species that JVP fisheries might catch

while fishing for their joint venture specifications. The Council adopted the following PSC limits for the fully utilized species: lock—100 mt, sablefish—188 mt, and "other rockfish"—432 mt. Pelagic shelf rockfish are also fully utilized, but are not expected to be caught in the JVP fisheries, which will be using only bottom trawl gear. Under § 672.20(c)(iv), if the Regional Director determines that a PSC limit applicable to a directed JVP fishery has been or will be reached, the Secretary will publish a notice of closure in the Federal Register prohibiting all further JVP fishing in all or part of the regulatory area concerned.

(3) Halibut Prohibited Species Catch Limits

Section 672.20(f)(2)(i) specifies a framework procedure for setting PSC limits for Pacific halibut. This procedure requires the Secretary, after consultation with the Council, to publish a notice in the Federal Register establishing PSC limits for Pacific halibut.

The Secretary has consulted with the Council and announces the halibut PSC limits for 1988: For DAP, the PSC limit is 4,240 mt and for JVP, it is 240 mt. The sum of these PSC limits is 4,480 mt, which would result in a fishing mortality of 2,047 mt, given the expected survival and mortality rates for Pacific halibut with the mix of gear types and fishing operations in the fisheries. The PSC limits are derived from bycatch rates (see table below) experienced by vessels in previous years' fisheries while targeting on groundfish with bottom trawls and midwater trawls and by vessels targeting on Pacific cod and Sablefish with hook-and-line gear.

Historical bycatch rates (percent) by weight in the Western (W) and Central (C) Regulatory Areas used to calculate the PSC limits for Pacific halibut in the DAP and JVP 1988 groundfish fisheries. Rates are from fisheries for groundfish with bottom trawls and midwater trawls and from fisheries for Pacific cod and sablefish with hook-and-line (HL) gear.

	Bottom trawl		Mid-water trawl		Cod HL		Sablefish HL	
	W	C	w	C	W	C	W	C
DAP	2.53	2.53	0.06	0.06	5.23	9.15	1.2	1.2
JVP	2.53	2.53	0.06	0.06	5.23	9.15		

If the Regional Director determines that the catch of Pacific halibut by U.S.

vessels fishing in DAP or JVP operations will reach a PSC limit, the Secretary will

publish a notice in the Federal Register prohibiting fishing with trawl gear other

than pelagic trawl gear for the rest of the year by the vessels and in the area to which the PSC limit applies. He may, allow some of those vessels to continue to fish for groundfish using bottom trawl gear under specified conditions.

Public Comments on 1988 Preliminary Initial Specifications

Two letters of comment were received by the Regional Director which are summarized together and responded to as follows:

Comment: NMFS should take a conservative approach in estimating any projected increases in DAP. NMFS should carefully monitor the progress of DAH fisheries during the course of the year so surpluses can quickly be identified and reapportioned.

Response: NMFS estimates of DAP projected catches, which were accepted by the Council at its December 1987 meeting, were based on an analysis of the results of the most detailed and comprehensive survey of the domestic industry that NMFS has performed. Survey information for each operation was compared to actual performance information for 1987, and in the case of new operations, to operations of similar size and configuration. This was a conservative approach; overall, NMFS' estimate of total DAP groundfish for 1988 was 76 percent of amounts requested for the Gulf of Alaska and the Bering Sea combined.

Using only the previous year's performance by industry to make projections for 1988 is misleading, in view of the dynamic and rapidly expanding nature of the groundfish industry. In the case of DAP, catch rates and deliveries for certain species, including Pacific cod, increased dramatically late in the third quarter and during the fourth quarter of 1987, as several operations came on line and many others came up to full production. NMFS made the reasonable assumption that these companies will be continuing at or close to full production levels from the beginning of 1988. Moreover, as many as twenty-one new floating processors will be entering the fishery in 1988.

In its presentation to the Council, NMFS indicated that the category of new operations was most difficult to assess due to two unknowns: performance capability and actual start-up date. Therefore, NMFS will be monitoring the progress of these vessels and will be prepared to make revisions as information becomes available during the season. Also NMFS will assess the performance of all current operations, including JVP operations, in order to identify and reapportion surpluses.

Other Regulatory Actions

Under § 672.20(d)(1)(ii), the Secretary may reapportion to DAH any amounts of the reserves that he determines to be needed to supplement DAH as soon as practicable on April 1, June 1, and August 1, and on such other dates as he determines necessary. The Secretary is reapportioning all reserves to either DAP or JVP effective January 1, 1988, on the basis of NMFS' initial estimates of DAP and JVP needs. Under § 672.20(d)(5)(iv), when the Secretary determines that apportionment is required on dates other than those specified and he finds it necessary to apportion additional amounts without affording a prior opportunity for public comment, he will invite such comments for a period of 15 days after the effective date of the apportionment. Therefore, the Secretary is inviting comments on the reapportioning of reserves until January 26, 1988.

The Secretary publishes for the information of the public Table 2, showing the assignments of sablefish TACs among the gear types as provided for by § 672.24.

TABLE 2.—SABLEFISH TOTAL ALLOWABLE CATCH (TAC) AND AMOUNTS OF TAC, IN PERCENT AND METRIC TONS, ALLOCATED TO AUTHORIZED GEAR IN THE REGULATORY AREAS AND DISTRICTS OF THE GULF OF ALASKA

Area/district	TAC	Gear	Per-cent	Share
Western.....	4,060	Hook-and-line.....	55	2,230
		Trawl.....	20	810
		Pot.....	25	1,020
Central.....	12,540	Hook-and-line.....	80	10,030
		Trawl.....	20	2,510
West Yakutat.	4,900	Hook-and-line.....	95	4,660
		Trawl.....	5	240
Southeast Outside/ East Yakutat.	6,500	Hook-and-line.....	95	6,180
		Trawl.....	5	320

Other Matters

This action is taken under §§ 611.92 and 672.20 and complies with Executive Order 12291. The Secretary finds it necessary to apportion the reserves of pollock, Pacific cod, and flounders without affording a prior opportunity for public comment or delayed effectiveness to prevent the premature closure of a target DAP or JVP fishery for these species, which might otherwise occur due to the large amount of fishing effort expected.

List of Subjects

50 CFR Part 611

Fisheries, Foreign relations, Reporting and recordkeeping requirements.

50 CFR Parts 672

Fisheries, Reporting and recordkeeping requirements.

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

Dated: January 11, 1988.

Bill Powell,

Executive Director, National Marine Fisheries Service.

[FR Doc. 88-697 Filed 1-11-88; 5:05 pm]

BILLING CODE 3510-22-M

50 CFR Parts 611 and 675

[Docket No. 71147-8002]

Groundfish of the Bering Sea and Aleutian Islands

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Final notice of initial specifications of groundfish for 1988; reapportionment of reserves; request for comments.

SUMMARY: NOAA announces final specifications of total allowable catches (TACs) and initial domestic annual harvest (DAH) and reserve amounts for each category of groundfish in the Bering Sea and Aleutian Islands (BSAI) area for the 1988 fishing year. This action also reapportions some of the reserve to U.S. fishing vessels working in joint ventures with foreign processing vessels (JVP) and solicits comments on this reapportionment. The initial specification of the total allowable level of foreign fishing (TALFF) is zero.

This action is necessary to establish harvest limits for groundfish in the 1988 fishing year. This action is based on public comments, the best available information on the biological condition of groundfish stocks, the socioeconomic condition of the fishing industry, and consultation with the North Pacific Fishery Management Council (Council) at its meeting of December 8-11, 1987. The intended effect of this action is the conservation and management of groundfish resources in the BSAI area.

DATES: Effective at 0901 Greenwich Mean Time (GMT) or 0001 Alaska Standard Time (AST) January 1, 1988, through 0900 G.m.t. January 1, 1989, or 2400 AST, December 31, 1988, or until changed by subsequent notice in the Federal Register.

Comments on the reapportionment part of this notice are invited until January 26, 1988.