

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.

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**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.

**ADDRESS:** Send comments to Robert W. McVey, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 21668, Juneau, AK 99802-1668.

**FOR FURTHER INFORMATION CONTACT:** Jay J. C. Ginter, Fishery Management Biologist, NMFS, 907-586-7229.

**SUPPLEMENTARY INFORMATION:** Groundfish fisheries in the BSAI area are governed by Federal regulations at 50 CFR 611.93 and Part 675 which implement the Fishery Management Plan for the Groundfish Fishery in the Bering Sea and Aleutian Islands Area (FMP). The FMP was developed by the Council and approved by the Secretary of Commerce (Secretary) under the Magnuson Fishery Conservation and Management Act (Magnuson Act).

The FMP and its implementing regulations at § 675.20(a) require the Secretary, after consultation with the Council, to annually specify the TAC, initial DAH, and initial TALFF for each target species and the "other species" category as soon as practicable after December 15. The sum of the species' TACs must be within the optimum yield (OY) range of 1.4 million to 2.0 million metric tons (mt). Table 1 satisfies this requirement.

A notice specifying preliminary initial TAC, reserve, DAH, and TALFF amounts for the 1988 fishing year was published (52 FR 44157, November 18, 1987) and comments were invited until December 18, 1987. Four written comments were received which are summarized and responded to below. In addition, oral comments were heard and public consultation with the Council occurred during the Council's December 8-11, 1987 meeting in Anchorage, Alaska. Council recommendations made at this meeting account for differences between the preliminary specifications and those published in this notice.

The specified TACs for each species are based on the most recent biological and socioeconomic information. The Council, its Advisory Panel (AP), and Scientific and Statistical Committee (SSC), at their September and December 1987 meetings, reviewed current biological information about the condition of groundfish stocks in the BSAI area. This information was compiled by the Council's BSAI groundfish Plan Team and presented in the 1987 resource assessment document (RAD). The Plan Team annually produces such a document as the first step in the process of specifying TACs. The RAD contains a review of the latest scientific analyses and estimates of each species' biomass and other biological parameters. From these data and analyses, the Plan Team estimates

an acceptable biological catch (ABC) for each species category.

A summary of preliminary ABCs for each species for 1988 and other biological data from the 1987 draft RAD were provided in the notice of preliminary 1988 specifications (52 FR 44157, November 18, 1987). The Plan Team's revised ABCs were reviewed by the SSC, AP, and Council at its December 1987 meeting. Minor revisions were made based on the SSC's review to produce the Council's final ABC estimates. The Council then developed its TAC recommendations to the Secretary based on the final ABCs as adjusted for other biological and socioeconomic considerations. For each species category, the recommended TAC for 1988 is equal to or less than that species' final ABC. Therefore, the Secretary finds that the recommended TACs are consistent with the biological condition of groundfish stocks.

A principal consideration for the Council in developing its 1988 TAC recommendations was assuring that the sum of the species TACs did not exceed the maximum OY for all species of 2.0 million mt. The Secretary finds also that the recommended TACs, to the extent possible under the maximum OY limit, are consistent with socioeconomic aspects of the FMP goals and objectives.

#### TAC Apportionment

The amount of groundfish in each TAC initially is reduced by 15 percent. The sum of these 15 percent amounts is designated as the reserve. The reserve is not designated by species or species group and any amount of the reserve may be reapportioned to a target species or the "other species" category during the year, providing that such reapportionments do not result in overfishing.

The remaining 85 percent of TAC is the initial TAC (ITAC). This amount is apportioned between DAH and TALFF such that TALFF, for each target species and the "other species" category at the beginning of the year, equals ITAC minus DAH. For 1988, initial TALFF is zero for all species because DAH equals ITAC.

Each DAH amount is further apportioned between its two components, JVP and the expected domestic annual processing (DAP). The final specifications provide large increases in DAP, reflecting the rapidly expanding nature of the U.S. groundfish fishery. Under the intent of the domestic processor preference amendments to the Magnuson Act (Pub. L. 95-354), JVP equals ITAC minus DAP. The final TACs, ITACs, reserve, and initial apportionments of groundfish between

DAP and JVP in the BSAI area for 1988 are given in Table 1 of this notice.

#### JVP Split Apportionment

Amendment 11 to the FMP established a procedure for splitting the initial JVP apportionment of pollock for each subarea into two parts (52 FR 45966, December 3, 1987). Part One will be available for harvest by the JVP fishery on January 15 while Part Two will be withheld until April 16. Under § 675.20(b)(3), for each subarea, Part One will be 40 percent of the sum of the initial pollock JVP plus 15 percent of the TAC for pollock. Part Two will be any unharvested portion of Part One plus the pollock JVP remaining after the first period and as adjusted by any reapportionments from reserve and DAP. Accordingly, the Part One JVP pollock apportionments in the Bering Sea (BS) and Aleutian Islands (AI) subareas respectively, rounded to the nearest metric ton, are calculated as follows:

$$\begin{aligned} \text{BS Part One} &= 0.40 (490,838 + 195,000) \\ &= 274,335; \\ \text{AI Part One} &= 0.40 (34,090 + 6,750) = \\ &= 16,336. \end{aligned}$$

Incidental catches of pollock in JVP fisheries for other groundfish occurring between January 1 and January 15 may be retained and will be counted against part One. However, such incidental catches must be less than 20 percent of the catch pursuant to the definition of "directed fishing" in § 675.2, because JVP directed fishing for pollock during this 15-day period is not permitted.

#### Reapportionment

This action makes an initial reapportionment from reserve to JVP under authority of § 675.20(b)(1)(i). This reapportionment subtracts a total of 804 mt from the reserve and adds it to the JVP of several species categories as indicated in Table 2. Species categories receiving reapportioned amounts from the reserve are species which are likely to be harvested incidentally in JVP fisheries for other species. The purpose of this reapportionment is to provide JVP fishermen with a retainable bycatch of these incidentally harvested species. Alternatively, the JVP fisheries would be required to treat these bycatch species in the same manner as prohibited species which would result in wastage of the resource.

#### Comments and Responses

Four letters of comment were received on the preliminary 1988 specifications published November 18, 1987 (52 FR 44157). Two letters of comment concerned the upper limit of the OY

range and are responded to under Comment 1. Three letters had basically the same comment regarding the estimated DAH harvest in 1988 and are responded to under Comment 2. Comments in the fourth letter are responded to under Comment 3.

*Comment 1:* The OY limit of 2.0 million mt arbitrarily and artificially restricts Bering Sea groundfish harvests and is inconsistent with the National Standards set by the Magnuson Act.

*Response:* The FMP and its implementing regulations at § 675.20(a)(2), require the Secretary to specify the TAC for each species category such that the sum of the specified TACs is within the OY range of 1.4 million to 2.0 million mt. The Council process is the appropriate forum to adjust the OY range as an FMP amendment is required. NOAA notes that modification of this range is on the Council's 1988 FMP amendment agenda.

*Comment 2:* Apportionments of groundfish to DAP are too large based on past DAP performance. DAP and JVP catch projections of Pacific cod for 1988 are too high based on actual DAP and JVP catches in recent years. NMFS should carefully monitor the progress of DAH fisheries during the course of the year so that surpluses can be identified quickly and reapportioned.

*Responses:* The NMFS projection of DAP catches in 1988 was based on a critical analysis of the most detailed and comprehensive survey performed by NMFS to date of the ability and intent of the domestic industry to process BSAI

area groundfish. Survey information for each operation was compared to actual performance information for 1987 and, in the case of new operations, to those of similar size and configuration. For the BSAI area, NMFS' estimate to total DAP catch in 1988 is 82 percent of groundfish amounts requested and the estimated DAP catch of Pacific cod is 79 percent of the amount requested.

DAP catch rates of 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. An assumption that these companies will continue at or close to full production levels from the beginning of 1988 is reasonable. Past performance alone, however, is misleading in making DAP and JVP catch projections for 1988. For instance, the dynamic and rapidly expanding nature of the JVP operation planned for 1988 accounted for 30,000 mt or nearly 20 percent of the total Pacific cod requested by JVP. Moreover, up to twenty-one new floating processors will be entering the DAP fishery in 1988. Of these, two trawlers, six longliners, and one mothership intend to target on Pacific cod. New fishing and processing operations are the most difficult to assess due to their unknown performance capability and actual start-up date. It is difficult for NMFS accurately to assess production estimates of new operations. However, NMFS will monitor the progress of these and other DAP and JVP operations on a

continuing basis and will reapportion surpluses as information becomes available during the season.

*Comment 3:* The U.S. fishing industry has the capability to harvest the entire TAC of Pacific cod in 1988. Elimination of TALFF for Pacific cod would raise its market price for U.S. fishermen.

*Response:* Based on the latest NMFS industry survey (see response to Comment 2), NOAA agrees that the domestic capacity and intent to harvest Pacific cod in the BSAI area in 1988 has increased. The initial TALFF for Pacific cod is set at zero (Table 1). However, this amount may change during the season if the DAH fisheries do not appear likely to harvest the entire Pacific cod TAC. It is not clear that U.S. fishermen would realize a significant increase in the exvessel price of Pacific cod solely from elimination of foreign directed fishing for this species.

**Classification**

This action is authorized under 50 CFR Part 675 and complies with Executive Order 12291. The Assistant Administrator for Fisheries finds for good cause that it is impractical and contrary to the public interest to provide prior notice and comment on the reapportionment part of this notice. As immediate effectiveness of this action is necessary to benefit fishermen who would otherwise forego harvestable amounts of groundfish, the 30 day delayed effectiveness.

TABLE 1.—FINAL 1988 TOTAL ALLOWABLE CATCH (TAC) AND INITIAL APPORTIONMENTS OF GROUND FISH IN THE BERING SEA AND ALEUTIAN ISLANDS AREA <sup>1</sup>

| Species                         | TAC              | Initial TAC <sup>2</sup> | Initial DAP <sup>3</sup> | Initial JVP <sup>4</sup> | Initial DAH <sup>5</sup> | Initial TALFF <sup>6</sup> |
|---------------------------------|------------------|--------------------------|--------------------------|--------------------------|--------------------------|----------------------------|
| Pollock:                        |                  |                          |                          |                          |                          |                            |
| BS .....                        | 1,300,000        | 1,105,000                | 614,162                  | 490,838                  | 1,105,000                | 0                          |
| AI .....                        | 45,000           | 38,250                   | 4,160                    | 34,090                   | 38,250                   | 0                          |
| Pacific Ocean Perch:            |                  |                          |                          |                          |                          |                            |
| BS .....                        | 5,000            | 4,250                    | 4,250                    | 0                        | 4,250                    | 0                          |
| AI .....                        | 6,000            | 5,100                    | 5,100                    | 0                        | 5,100                    | 0                          |
| Other Rockfishes:               |                  |                          |                          |                          |                          |                            |
| BS .....                        | 400              | 340                      | 340                      | 0                        | 340                      | 0                          |
| AI .....                        | 1,100            | 935                      | 935                      | 0                        | 935                      | 0                          |
| Sablefish:                      |                  |                          |                          |                          |                          |                            |
| BS .....                        | 3,400            | 2,890                    | 2,890                    | 0                        | 2,890                    | 0                          |
| AI .....                        | 5,000            | 4,250                    | 4,250                    | 0                        | 4,250                    | 0                          |
| Atka Mackerel: BSAI .....       | 21,000           | 17,850                   | 80                       | 17,770                   | 17,850                   | 0                          |
| Pacific Cod: BSAI .....         | 200,000          | 170,000                  | 87,416                   | 82,584                   | 170,000                  | 0                          |
| Yellowfin Sole: BSAI .....      | 254,000          | 215,900                  | 26,356                   | 189,544                  | 215,900                  | 0                          |
| Greenland Turbot: BSAI .....    | 11,200           | 9,520                    | 9,520                    | 0                        | 9,520                    | 0                          |
| Arrowtooth Flounder: BSAI ..... | 5,531            | 4,701                    | 3,808                    | 893                      | 4,701                    | 0                          |
| Other Flatfishes: BSAI .....    | 131,369          | 111,664                  | 26,403                   | 85,261                   | 111,664                  | 0                          |
| Squid: BSAI .....               | 1,000            | 850                      | 850                      | 0                        | 850                      | 0                          |
| Other Species: BSAI .....       | 10,000           | 8,500                    | 2,000                    | 6,500                    | 8,500                    | 0                          |
| <b>Total .....</b>              | <b>2,000,000</b> | <b>1,700,000</b>         | <b>792,520</b>           | <b>907,480</b>           | <b>1,700,000</b>         | <b>0</b>                   |

<sup>1</sup> Amounts are in metric tons.

<sup>2</sup> Initial TAC (ITAC) = 0.85 of TAC; initial reserve = TAC - ITAC = 300,000.

<sup>3</sup> DAP = domestic annual processing.

<sup>4</sup> JVP = joint venture processing.

<sup>5</sup> DAH = DAP + JVP.

<sup>6</sup> TALFF = total allowable level of foreign fishing.

TABLE 2.—REAPPORTIONMENT OF RESERVE: REVISED 1988 TOTAL ALLOWABLE CATCH (TAC) AND APPORTIONMENTS OF GROUND FISH IN THE BERING SEA AND ALEUTIAN ISLANDS AREA <sup>1</sup>

| Species                         | TAC       | Initial TAC <sup>2</sup> | DAP <sup>3</sup> | JVP <sup>4</sup> | DAH <sup>5</sup> | TALFF <sup>6</sup> |
|---------------------------------|-----------|--------------------------|------------------|------------------|------------------|--------------------|
| Pollock:                        |           |                          |                  |                  |                  |                    |
| BS .....                        | 1,300,000 | 1,105,000                | 614,162          | 490,838          | 1,105,000        | 0                  |
| Al .....                        | 45,000    | 38,250                   | 4,160            | 34,090           | 38,250           | 0                  |
| Pacific Ocean Perch:            |           |                          |                  |                  |                  |                    |
| BS .....                        | 5,000     | 4,250                    | 4,250            | 0                | 4,250            | 0                  |
| Change .....                    |           |                          |                  | +28              |                  |                    |
| Revised .....                   | 5,000     | 4,250                    | 4,250            | 28               | 4,278            | 0                  |
| Al .....                        | 6,000     | 5,100                    | 5,100            | 0                | 5,100            | 0                  |
| Change .....                    |           |                          |                  | +441             |                  |                    |
| Revised .....                   | 6,000     | 5,100                    | 5,100            | 441              | 5,541            | 0                  |
| Other Rockfishes:               |           |                          |                  |                  |                  |                    |
| BS .....                        | 400       | 340                      | 340              | 0                | 340              | 0                  |
| Change .....                    |           |                          |                  | +30              |                  |                    |
| Revised .....                   | 400       | 340                      | 340              | 30               | 370              | 0                  |
| Al .....                        | 1,100     | 935                      | 935              | 0                | 935              | 0                  |
| Change .....                    |           |                          |                  | +165             |                  |                    |
| Revised .....                   | 1,100     | 935                      | 935              | 165              | 1,100            | 0                  |
| Sablefish:                      |           |                          |                  |                  |                  |                    |
| BS .....                        | 3,400     | 2,890                    | 2,890            | 0                | 2,890            | 0                  |
| Change .....                    |           |                          |                  | +37              |                  |                    |
| Revised .....                   | 3,400     | 2,890                    | 2,890            | 37               | 2,927            | 0                  |
| Al .....                        | 5,000     | 4,250                    | 4,250            | 0                | 4,250            | 0                  |
| Change .....                    |           |                          |                  | +47              |                  |                    |
| Revised .....                   | 5,000     | 4,250                    | 4,250            | 47               | 4,297            | 0                  |
| Atka Mackerel: BSAI .....       | 21,000    | 17,850                   | 80               | 17,770           | 17,850           | 0                  |
| Pacific Cod: BSAI .....         | 200,000   | 170,000                  | 87,416           | 82,584           | 170,000          | 0                  |
| Yellowfish Sole: BSAI .....     | 254,000   | 215,900                  | 26,356           | 189,544          | 215,900          | 0                  |
| Greenland Turbot: BSAI .....    | 11,200    | 9,520                    | 9,520            | 0                | 9,520            | 0                  |
| Change .....                    |           |                          |                  | +31              |                  |                    |
| Revised .....                   | 11,200    | 9,520                    | 9,520            | 31               | 9,551            | 0                  |
| Arrowtooth Flounder: BSAI ..... | 5,531     | 4,701                    | 3,808            | 893              | 4,701            | 0                  |
| Other Flatfishes: BSAI .....    | 131,369   | 111,664                  | 26,403           | 85,261           | 111,664          | 0                  |
| Squid:                          |           |                          |                  |                  |                  |                    |
| BSAI .....                      | 1,000     | 850                      | 850              | 0                | 850              | 0                  |
| Change .....                    |           |                          |                  | +25              |                  |                    |
| Revised .....                   | 1,000     | 850                      | 850              | 25               | 875              | 0                  |
| Other Species: BSAI .....       | 10,000    | 8,500                    | 2,000            | 6,500            | 8,500            | 0                  |
| Total .....                     | 2,000,000 | 1,700,000                | 792,520          | 907,480          | 1,700,000        | 0                  |
| Change <sup>7</sup> .....       |           |                          |                  | +804             |                  |                    |
| Revised .....                   | 2,000,000 | 1,700,000                | 792,520          | 908,284          | 1,700,804        | 0                  |

<sup>1</sup> Amounts are in metric tons.

<sup>2</sup> Initial TAC (ITAC) = 0.85 of TAC; initial reserve = TAC - ITAC = 300,000.

<sup>3</sup> DAP = domestic annual processing.

<sup>4</sup> JVP = joint venture processing.

<sup>5</sup> DAH = DAP + JVP.

<sup>6</sup> TALFF = total allowable level of foreign fishing.

<sup>7</sup> This increase in JVP and DAH was subtracted from the reserve. Hence, the remaining reserve = 300,000 - 804 = 299,196.

#### List of Subjects

##### 50 CFR Part 611

Fisheries, Foreign relations.

##### 50 CFR Part 675

Fisheries.

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

Dated: January 11, 1988.

Bill Powell,

Executive Director, National Marine  
Fisheries Service.

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