

by January 1, 1998. In addition, to ensure that the local exchange carriers subject to price cap regulation have actual notice of this rule immediately following its release, we are serving those entities by overnight mail. The collections of information contained are contingent upon approval by the Office of Management and Budget.

13. *It is further ordered* that, for local exchange carriers subject to price cap regulation making tariff revisions pursuant to this Order, prior to December 17, 1997, to become effective January 1, 1998, §§ 61.58 and 61.59 of the Commission's rules, 47 CFR 61.58 and 61.59, *are hereby waived*. For these purposes, affected local exchange carriers shall cite the "FCC 97-401" as the authority for making such filings.

14. *It is further ordered*, that 47 C.F.R., Part 69, *is amended* as set forth in the rule changes.

15. *It is further ordered*, that the Commission's Office of Managing Director *shall send* a copy of this *Third Report and Order*, including the Final Regulatory Flexibility Act Analysis and Certification, to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects in 47 CFR Part 69

Communications Common Carriers, Tariffs.

Federal Communications Commission.

Magalie Roman Salas,
Secretary.

Rule Changes

Part 69 of title 47 of the Code of Federal Regulations is amended as follows:

PART 69—ACCESS CHARGES

1. The authority citation for part 69 continues to read as follows:

Authority: 47 U.S.C. §§ 154 (i) and (j), 201, 202, 203, 205, 218, 254, and 403.

§ 69.30 [Amended]

2. Section 69.307 is amended by revising paragraph (c) and adding new paragraph (d) to read as follows:

* * * * *

(c) For all local exchange carriers not subject to price cap regulation and for other carriers that acquire all of the billing and collection services that they provide to interexchange carriers from unregulated affiliates through affiliate transactions, from unaffiliated third parties, or from both of these sources, all other General Support Facilities investments shall be apportioned among the interexchange category, the billing and collection category, and Common Line, Local Switching, Information,

Transport, and Special Access elements on the basis of Central Office Equipment, Information Origination/Termination Equipment, and Cable and Wire Facilities, combined.

(d) For local exchange carriers subject to price cap regulation and not covered by Section 69.307(c), a portion of General purpose computer investment (Account 2124), investment in Land (Account 2111), Buildings (Account 2121), and Office equipment (Account 2123) shall be apportioned to the billing and collection category on the basis of the Big Three Expense Factors allocator, defined in Section 69.2 of this Part, modified to exclude expenses that are apportioned on the basis of allocators that include General Support Facilities investment. The remaining portion of investment in these four accounts together with all other General Support Facilities investments shall be apportioned among the interexchange category, the billing and collection category, and Common Line, Local Switching, Information, Transport, and Special Access Elements on the basis of Central Office Equipment, Information Origination/Termination Equipment, and Cable and Wire Facilities, combined.

[FR Doc. 97-32695 Filed 12-11-97; 9:59 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 971208295-7295-01; I.D. 111897A]

Fisheries of the Exclusive Economic Zone Off Alaska; Gulf of Alaska; Interim 1998 Harvest Specifications

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

ACTION: Interim 1998 harvest specifications for groundfish and associated management measures.

SUMMARY: NMFS issues interim 1998 total allowable catch (TAC) amounts for each category of groundfish and specifications for prohibited species bycatch allowances for the groundfish fishery of the Gulf of Alaska (GOA). The intended effect is to conserve and manage the groundfish resources in the GOA.

EFFECTIVE DATE: 0001 hrs, Alaska local time (A.l.t.), January 1, 1998, until the

effective date of the final 1998 harvest specifications for GOA groundfish, which will be published in the **Federal Register**.

ADDRESSES: The preliminary 1998 Stock Assessment and Fishery Evaluation (SAFE) Report, dated September 1997, is available from the North Pacific Fishery Management Council, 605 West 4th Avenue, Suite 306, Anchorage, AK 99501-2252, telephone 907-586-7237.

FOR FURTHER INFORMATION CONTACT: Thomas Pearson, 907-486-6919.

SUPPLEMENTARY INFORMATION:

Background

Groundfish fisheries in the GOA are governed by Federal regulations at 50 CFR part 679 that implement the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP). The FMP was prepared by the North Pacific Fishery Management Council (Council) and approved by NMFS under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The FMP is implemented by regulations at 50 CFR part 679. General regulations that also pertain to the U.S. fisheries appear at 50 CFR part 600.

The Council met September 22-29, 1997, to review scientific information concerning groundfish stocks. The Council adopted for public review the preliminary SAFE Report for the 1998 GOA groundfish fisheries. The preliminary SAFE Report, dated September 1997, provides an update on the status of stocks. Copies of the preliminary SAFE Report are available from the Council (see **ADDRESSES**). The Council recommended a preliminary total TAC of 309,715 metric tons (mt) and a preliminary total acceptable biological catch (ABC) of 532,020 mt for the 1998 fishing year.

Under § 679.20(c)(1)(ii), NMFS is publishing in the Proposed Rules section of this issue of the **Federal Register** for review and comment proposed harvest specifications for groundfish and associated management measures in the GOA for the 1998 fishing year. That document contains a detailed discussion of the 1998 specification process and of the proposed 1998 ABCs and overfishing levels, proposed establishment of the 1998 annual TAC and initial TAC amounts and apportionments thereof and reserves for each target species and the "other species" category, apportionments of pollock and Pacific cod TAC, apportionments of the sablefish TAC to vessels using hook-and-line and trawl gear, and halibut prohibited species catch (PSC) limits.

This action establishes interim harvest specifications and apportionments thereof for the 1998 fishing year effective on January 1, 1998, that will remain in effect until superseded by the final 1998 harvest specifications. Background information concerning the 1998 harvest specification process upon which this interim action is based is provided in the above-mentioned proposed harvest specifications document appearing in the Proposed Rules section of this **Federal Register** issue.

1. Establishment of Interim TACs

Section 679.20(c)(2) requires that interim specifications—one-fourth of the proposed specifications, not including the reserves and the first

seasonal allowance of pollock, one-fourth of the inshore and offshore allocations of Pacific cod in each regulatory area, the proposed first seasonal allowance of pollock, and one-fourth of the halibut PSC amounts—be established effective 0001 hours, A.l.t., January 1, that will remain in effect until superseded by final harvest specifications, which will be published in the **Federal Register**.

The reserves for the GOA are 20 percent of the TAC amounts for pollock, Pacific cod, flatfish species, and the “other species” category. Given that the GOA groundfish TAC amounts have been utilized fully since 1987, and NMFS expects the same to occur in 1998, NMFS proposes reapportioning all the reserves to TAC, except for Pacific

cod. The interim TAC amounts contained in Table 1 reflect the reapportionment of reserves back to the TAC.

2. Interim 1998 GOA Groundfish Harvest Specifications and Apportionments Thereof

Table 1 sets forth interim TAC amounts, interim TAC allocations of Pacific cod to the inshore and offshore components, the first seasonal allowance of pollock in the combined Western and Central regulatory areas, and interim sablefish TAC apportionments to hook-and-line and trawl gear. These interim TAC amounts and apportionments thereof become effective at 0001 hours, A.l.t., January 1, 1998.

TABLE 1.—INTERIM 1998 TAC AMOUNTS OF GROUNDFISH FOR THE COMBINED WESTERN/CENTRAL (W/C), WESTERN (W), CENTRAL (C), AND EASTERN (E) REGULATORY AREAS AND IN THE WEST YAKUTAT (WYAK), SOUTHEAST OUTSIDE (SEO), AND GULFWIDE (GW) DISTRICTS OF THE GULF OF ALASKA (GOA)^{1,2}. THE FIRST SEASONAL ALLOWANCES OF POLLOCK IN THE COMBINED W/C REGULATORY AREAS. INTERIM SABLEFISH TAC APPORTIONMENTS TO HOOK-AND-LINE (H/L) AND TRAWL (TRW) GEAR

Species	Area	Interim TAC (mt)
Pollock ^{3,4}		
	W (610)	6,050
	C (620)	10,165
	C (630)	7,985
Subtotal	W/C	24,200
	E	2,200
Total		26,400
Pacific cod ⁵		
Inshore	W	4,361
Offshore	W	484
Inshore	C	7,864
Offshore	C	874
Inshore	E	216
Offshore	E	24
Total		13,823
Flatfish, Deep-water ⁶		
	W	85
	C	923
	E	785
Total		1,793
Rex sole		
	W	297
	C	1,373
	E	618
Total		2,288
Flathead sole		
	W	500
	C	1,250
	E	510
Total		2,260
Flatfish, Shallow-water ⁷	W	1,125

TABLE 1.—INTERIM 1998 TAC AMOUNTS OF GROUND FISH FOR THE COMBINED WESTERN/CENTRAL (W/C), WESTERN (W), CENTRAL (C), AND EASTERN (E) REGULATORY AREAS AND IN THE WEST YAKUTAT (WYAK), SOUTHEAST OUTSIDE (SEO), AND GULFWIDE (GW) DISTRICTS OF THE GULF OF ALASKA (GOA)^{1,2}. THE FIRST SEASONAL ALLOWANCES OF POLLOCK IN THE COMBINED W/C REGULATORY AREAS. INTERIM SABLEFISH TAC APPORTIONMENTS TO HOOK-AND-LINE (H/L) AND TRAWL (TRW) GEAR—Continued

Species	Area	Interim TAC (mt)
Total	C	3,238
	E	295
		4,658
Arrowtooth flounder		
Total	W	1,250
	C	6,250
	E	1,250
		8,750
Sablefish ^{8,9,10}		
H/L	W	N/A (372)
TRW	W	93
H/L	C	N/A (1,282)
TRW	C	321
H/L	Wyak	N/A (573)
TRW	WYak	30
H/L	SEO	N/A (912)
TRW	SEO	48
Total		3,631
Pacific ocean perch ¹¹		
Total	W	368
	C	1,338
	E	592
		2,298
Shortraker/rougheye ¹²		
Total	W	40
	C	242
	E	115
		397
Rockfish, northern ¹³		
Total	W	210
	C	1,037
	E	3
		1,250
Rockfish, other ^{14,15}		
Total	W	5
	C	162
	E	375
		542
Rockfish, pelagic shelf ¹⁶		
Total	W combined	142
	C offshore	830
	C nearshore	65
	E combined	248
		1,285
Rockfish, demersal shelf SEO ¹⁷	SEO	237
Thornyhead rockfish	GW	425
Atka mackerel	GW	250

TABLE 1.—INTERIM 1998 TAC AMOUNTS OF GROUND FISH FOR THE COMBINED WESTERN/CENTRAL (W/C), WESTERN (W), CENTRAL (C), AND EASTERN (E) REGULATORY AREAS AND IN THE WEST YAKUTAT (WYAK), SOUTHEAST OUTSIDE (SEO), AND GULFWIDE (GW) DISTRICTS OF THE GULF OF ALASKA (GOA)^{1,2}. THE FIRST SEASONAL ALLOWANCES OF POLLOCK IN THE COMBINED W/C REGULATORY AREAS. INTERIM SABLEFISH TAC APPORTIONMENTS TO HOOK-AND-LINE (H/L) AND TRAWL (TRW) GEAR—Continued

Species	Area	Interim TAC (mt)
Other species ¹⁸		3,687
GOA Total Interim TAC		73,974

(Interim TAC amounts have been rounded.)

¹Reserves have been reapportioned back to each species TAC and are reflected in the interim TAC amounts except for Pacific cod. (See § 679.20(a)(2).)

²See § 679.2 for definitions of regulatory area and statistical area. See Figure 3b to part 679 for a description of regulatory district.

³Pollock is apportioned to three statistical areas in the combined Western/Central Regulatory Area, and is further divided into three allowances of 25 percent, 25 percent, and 50 percent. The first allowances are in effect on an interim basis as of January 1, 1998. In the Eastern Regulatory Area, pollock is not divided into less than annual allowances, and one-fourth of the TAC is available on an interim basis.

⁴The TAC apportionment for pollock in all regulatory areas and all seasonal allowances is divided into inshore and offshore components. The inshore component is apportioned 100 percent of the pollock TAC in each regulatory area after subtraction of amounts that are determined by the Regional Administrator, NMFS, to be necessary to support the bycatch needs of the offshore component in directed fisheries for other groundfish species. At this time, these bycatch amounts are unknown and will be determined during the fishing year. (See § 679.20(a)(6)(ii).)

⁵The TAC apportionment of Pacific cod in all regulatory areas is divided into inshore and offshore components. The inshore and offshore component allocations are 90 percent and 10 percent, respectively, of the Pacific cod TAC in each regulatory area. (See § 679.20(a)(6)(iii).)

⁶“Deep-water flatfish” means Dover sole and Greenland turbot.

⁷“Shallow-water flatfish” means flatfish not including “deep-water flatfish,” flathead sole, rex sole, or arrowtooth flounder.

⁸Sablefish TAC amounts for each of the regulatory areas and districts are assigned to hook-and-line and trawl gear. In the Central and Western Regulatory Areas, 80 percent of the TAC is allocated to hook-and-line gear and 20 percent to trawl gear. In the Eastern Regulatory Area, 95 percent of the TAC is assigned to hook-and-line gear. Five percent is allocated to trawl gear and may only be used as bycatch to support directed fisheries for other target species. (See § 679.20(a)(4).)

⁹The sablefish hook-and-line (H/L) gear fishery is managed under the Individual Fishing Quota (IFQ) program and is subject to regulations contained in subpart D of 50 CFR part 679. Annual IFQ amounts are based on the final TAC amount specified for the sablefish H/L gear fishery as contained in the final specifications for groundfish. Under § 679.7(f)(3), retention of sablefish caught with H/L gear is prohibited unless the harvest is authorized under a valid IFQ permit and IFQ card. In 1998, IFQ permits and IFQ cards will not be valid prior to the effective date of the 1998 final specifications. Thus, fishing for sablefish with H/L gear will not be authorized under these interim specifications. Nonetheless, interim amounts are shown in parentheses to reflect assignments of one-fourth of the proposed TAC amounts among gear categories and regulatory areas in accordance with § 679.20(c)(2)(i). See § 679.40 for guidance on the annual allocation of IFQ.

¹⁰Sablefish caught in the GOA with gear other than hook-and-line or trawl gear must be treated as prohibited species and may not be retained.

¹¹“Pacific ocean perch” means *Sebastes alutus*.

¹²“Shortraker/rougheye rockfish” means *Sebastes borealis* (shortraker) and *S. aleutianus* (rougheye).

¹³“Northern rockfish” means *Sebastes polypsinis*.

¹⁴“Other rockfish” in the Western and Central Regulatory Areas and in the West Yakutat District means slope rockfish and demersal shelf rockfish. The category “other rockfish” in the Southeast Outside District means slope rockfish.

¹⁵“Slope rockfish” means *Sebastes aurora* (aurora), *S. melanostomus* (blackgill), *S. paucispinis* (bocaccio), *S. goodei* (chilipepper), *S. crameri* (darkblotch), *S. elongatus* (greenstriped), *S. variegatus* (harlequin), *S. wilsoni* (pygmy), *S. proriger* (redstripe), *S. zacentrus* (sharpchin), *S. jordani* (shortbelly), *S. brevispinis* (silvergrey), *S. diploproa* (splitnose), *S. saxicola* (stripetail), *S. miniatus* (vermillion), *S. babcocki* (redbanded), and *S. reedi* (yellowmouth).

¹⁶“Pelagic shelf rockfish” includes *Sebastes melanops* (black), *S. mystinus* (blue), *S. ciliatus* (dusky), *S. entomelas* (widow), and *S. flavidus* (yellowtail). “Offshore Pelagic shelf rockfish” includes *S. ciliatus* (dusky), *S. entomelas* (widow), and *S. flavidus*. “Nearshore Pelagic shelf rockfish” includes *S. melanops* (black) and *S. mystinus* (blue).

¹⁷“Demersal shelf rockfish” means *Sebastes pinniger* (canary), *S. nebulosus* (china), *S. caurinus* (copper), *S. maliger* (quillback), *S. helvomaculatus* (rosethorn), *S. nigrocinctus* (tiger), and *S. ruberrimus* (yelloweye).

¹⁸“Other species” includes sculpins, sharks, skates, eulachon, smelts, capelin, squid, and octopus. The TAC for “other species” equals 5 percent of the TAC amounts of target species.

3. Interim Halibut PSC Mortality Limits

Under § 679.21(d), annual Pacific halibut PSC mortality limits are established for trawl and hook-and-line gear and may be established for pot gear. The Council proposed to reestablish the 1997 halibut mortality limits for 1998 because no new information was available. As in 1997, the Council proposes to exempt pot gear, jig gear, and the sablefish hook-and-line fishery from halibut PSC limits for 1998. The interim PSC limits are effective on January 1, 1998, and remain in effect until superseded by the final 1998 harvest specifications, which will be published in the **Federal Register**. The interim halibut PSC limits are as

follows: (1) 500 mt to trawl gear, (2) 75 mt to hook-and-line gear for fisheries other than demersal shelf rockfish, and (3) 2.5 mt to hook-and-line gear for demersal shelf rockfish fishery in the Southeast Outside District.

Section 679.21(d)(3)(iii) authorizes apportionments of the trawl halibut PSC limit allowance as bycatch allowances to a deep-water species complex, comprised of rex sole, sablefish, rockfish, deep-water flatfish, and arrowtooth flounder, and a shallow-water species complex, comprised of pollock, Pacific cod, shallow-water flatfish, flathead sole, Atka mackerel, and other species. The interim 1998 apportionment for the shallow-water

species complex is 417 mt and for the deep-water species complex is 83 mt.

Prior to the beginning of the 1998 fishing year, NMFS will implement fishery closures based on the interim amounts of groundfish specified in Table 1 and on determinations of the amount of each TAC needed to support anticipated groundfish fisheries prior to the time that the final specifications are effective for the 1998 GOA groundfish fishery.

Classification

This action is authorized under 50 CFR 679.20 and is exempt from review under E.O. 12866.

The Assistant Administrator for Fisheries finds for good cause under 5

U.S.C. 553(b)(B) that the need to establish interim harvest specifications for the fisheries in the GOA, effective on January 1, 1998, makes it impracticable and contrary to the public interest to provide prior notice and opportunity for public comment on this rule. Section 679.20(c)(2) requires NMFS to specify interim harvest specifications that are effective on January 1 and that will remain in effect until superseded by final specifications established by notice and comment rulemaking in order for the GOA groundfish fishing season to begin on January 1 (see § 679.23). Without interim specifications in effect on January 1, the groundfish fisheries would not be able to open on January 1, which would result in unnecessary closures and disruption within the fishing industry. Because the stock assessment reports and other information concerning the fisheries in the GOA became available only recently, NMFS is not able to provide an opportunity for comment on the interim specifications. It is anticipated that the interim specifications will be in effect for only a short period of time before they are superseded by the final specifications. Proposed specifications are published as a proposed rule in this issue of the **Federal Register** and provide the opportunity for public comment.

These interim specifications are exempt from the requirements of the Regulatory Flexibility Act to prepare a regulatory flexibility analysis because they are not required to be issued with prior notice and opportunity for public comment.

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

Dated: December 9, 1997.

Gary C. Matlock,

*Acting Assistant Administrator for Fisheries,
National Marine Fisheries Service.*

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 971208296-7296-01; I.D. 111997A]

Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands Area; Interim 1998 Harvest Specifications

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

ACTION: Interim 1998 harvest specifications for groundfish; associated management measures.

SUMMARY: NMFS issues interim 1998 total allowable catch (TAC) amounts for each category of groundfish, pollock Community Development Quota (CDQ) amounts, and prohibited species bycatch allowances for the groundfish fishery of the Bering Sea and Aleutian Islands management area (BSAI). The intended effect is to conserve and manage the groundfish resources in the BSAI.

DATES: 0001 hours, Alaska local time (A.l.t.), January 1, 1998, until the effective date of the final 1998 harvest specifications for BSAI groundfish, which will be published in the **Federal Register**.

ADDRESSES: The preliminary 1998 Stock Assessment and Fishery Evaluation (SAFE) Report, dated September 1997, is available from the North Pacific Fishery Management Council, 605 West 4th Avenue, Suite 306, Anchorage, AK 99501-2252, telephone 907-271-2809.

FOR FURTHER INFORMATION CONTACT: Alan Kinsolving, 907-586-7228.

SUPPLEMENTARY INFORMATION:

Background

Groundfish fisheries in the BSAI are governed by Federal regulations at 50 CFR part 679 that implement the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands area (FMP). The FMP was prepared by the North Pacific Fishery Management Council (Council) and approved by NMFS under the Magnuson-Stevens Fishery Conservation and Management Act. The FMP is implemented by regulations at 50 CFR part 679. General regulations that also pertain to the U.S. fisheries appear at subpart H of 50 CFR part 600.

The Council met September 22-29, 1997, to review scientific information concerning groundfish stocks. The Council adopted for public review the preliminary SAFE Report for the 1998 BSAI groundfish fisheries. The preliminary SAFE Report, dated September 1997, provides an update on the status of stocks. Copies of the SAFE Report are available from the Council (see **ADDRESSEES**). The preliminary TAC amounts for each species are based on the best available biological and socioeconomic information. The Council recommended a preliminary total TAC of 2,000,000 metric tons (mt) and a preliminary total acceptable

biological catch (ABC) of 2,440,430 mt for the 1998 fishing year.

Under § 679.20(c)(1), NMFS is publishing in the Proposed Rules section of this issue of the **Federal Register** for review and comment proposed harvest specifications for groundfish and associated management measures in the BSAI for the 1998 fishing year. That document contains a detailed discussion of the proposed 1998 annual TACs, initial TACs (ITACs) and related apportionments, ABC amounts and overfishing levels, prohibited species bycatch allowances, and associated management measures for the BSAI groundfish fishery.

This action establishes interim harvest specifications and apportionments thereof for the 1998 fishing year effective January 1, 1998, that will remain in effect until superseded by the final 1998 harvest specifications. Background information concerning the 1998 groundfish harvest specification process upon which this interim action is based is provided in the above mentioned proposed initial specification document appearing in the above mentioned 1998 proposed harvest specifications document appearing in this **Federal Register** issue.

Establishment of Interim TACs

Except for the hook-and-line and pot gear allocation of sablefish, each species' TAC initially is reduced by 15 percent to establish the ITAC for each species (§ 679.20(b)(1)(i)). The sum of the 15-percent amounts is the reserve. One half of the pollock TACs placed in the reserve are designated as a CDQ reserve for use by CDQ participants (§ 679.31(a)(1)). The remainder of 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 of a target species or the "other species" category. The ITAC amount for each species, except for the hook-and-line and pot gear allocation for sablefish, is the remainder of the TAC amount after subtraction of the reserve.

Section 679.20(c)(2)(ii) requires that one-fourth of each proposed ITAC amount and apportionment thereof (not including the first seasonal allowance of pollock), one-fourth of each prohibited species catch (PSC) allowance established under § 679.21, and the first seasonal allowance of pollock TAC be established effective 0001 hours, A.l.t., January 1, that will remain in effect until superseded by the final harvest specifications.