

compliance would be enforced; (2) proposed exceptions to the line section modification requirement with respect to certain gas transmission lines in Class 1 and 2 locations; (3) proposed exceptions with respect to all but certain new offshore gas transmission lines; and (4) proposed that an operator replacing line pipe, valve, fitting, or other line component in a gas transmission line in a Class 1 or 2 location would not need to comply with the requirement to modify the line section until February 2, 1995.

There has been extensive comment as well as a formal recommendation by the Technical Pipeline Safety Standards Committee to reconsider the proposals in Notice 2 (above). However, commenters did not object to delaying enforcement of the requirement to modify line sections in gas transmission lines; instead several commenters urged continuation of the stay of enforcement until after completion of the rulemaking proceedings. Thus, in order to evaluate fully these comments, RSPA has decided to continue a limited stay of enforcement for compliance with the final rule with respect to modification of line sections in onshore gas transmission lines; and with respect to new and existing offshore gas transmission lines. This suspension of enforcement will remain in effect until RSPA completes the evaluation of the comments to Notice 2 and sets out the determination with respect to those comments and establishes new compliance dates in a subsequent rulemaking.

Pipeline operators are cautioned that the requirements of the April 12, 1994, final rule for design and construction to accommodate the passage of smart pigs will be enforced for: Hazardous liquid and carbon dioxide pipelines; new onshore gas transmission lines; and the actual replaced line pipe, valve, fitting, or other line component in onshore gas transmission lines.

(49 U.S.C. 60102 et seq.; 49 CFR 1.53)

Issued in Washington, DC on January 30, 1995.

**George W. Tenley, Jr.,**

*Associate Administrator for Pipeline Safety.*  
[FR Doc. 95-2955 Filed 2-6-95; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 642

[Docket No. 950201032-5032-01; I.D. 011095C]

RIN 0648-AH25

#### Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Additional King Mackerel Quota

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

**ACTION:** Emergency interim rule.

**SUMMARY:** NMFS publishes this emergency interim rule to add to the commercial quota for the hook-and-line fishery in the Florida west coast sub-zone of the Gulf migratory group of king mackerel, reopen that fishery under the additional quota, and implement a vessel possession limit of 125 king mackerel per trip during the period that the fishery remains open. This rule responds to an economic and social emergency in the commercial fishery for Gulf group king mackerel off the southwest coast of Florida caused by the unforeseen harvest of most of the quota by the fishery off Florida's northwest coast.

**EFFECTIVE DATE:** February 1, 1995 through May 8, 1995.

**ADDRESSES:** Copies of documents supporting this action, including an environmental assessment, may be obtained from Mark F. Godcharles, Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702. Copies of a minority report from the Gulf of Mexico Fishery Management Council are also available from this address.

**FOR FURTHER INFORMATION CONTACT:** Mark F. Godcharles, 813-570-5305.

**SUPPLEMENTARY INFORMATION:** The fishery for coastal migratory pelagic resources (king mackerel, Spanish mackerel, cero, cobia, little tunny, dolphin, and, in the Gulf of Mexico only, bluefish) is managed under the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic (FMP). The FMP was prepared by the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils), and is implemented through regulations at 50 CFR part 642 under the authority of the Magnuson Fishery

Conservation and Management Act (Magnuson Act).

The 1994-95 fishing year quota for the commercial hook-and-line fishery for Gulf group king mackerel in the Florida west coast sub-zone was reached and the fishery was closed on December 20, 1994 (59 FR 66276, December 23, 1994). Landings estimates for the west coast sub-zone show disproportionate catches between Florida's northwest and southwest coast fisheries. Most of the 432,500-lb (196,179-kg) west coast sub-zone quota was taken off northwest Florida before the traditional and principal fishery in southwest Florida could take its usual catch. The unusually high northwest Florida king mackerel landings this fishing year represent an almost fourfold increase in production over last year (about 400,000 lbs (181,437 kg) compared to last year's 100,000-lb (45,359 kg) catch), and are attributable to increased fishing effort. Fleet size of major harvesters doubled from 21 to 51 vessels since last fishing year, and uncommon fall weather provided favorable fishing conditions in the northeastern Gulf of Mexico through mid-December 1994. Prolonged warm fall weather also was responsible for a delay in the timing of the usual migration of king mackerel from the northeastern Gulf to overwintering grounds off southwest Florida.

The significantly reduced catch caused by the unforeseen harvest of most of the quota by the fishery off Florida's northwest coast has created a social and economic emergency. Accordingly, the Gulf of Mexico Fishery Management Council (Council) requested that NMFS implement an emergency interim rule to add 300,000 lbs (136,078 kg) to the commercial quota and reopen the commercial hook-and-line king mackerel fishery in the Florida west coast sub-zone, which encompasses that part of the exclusive economic zone (EEZ) from the Alabama/Florida boundary (87°31'06" W. long.) to the Dade/Monroe County, FL, boundary (25°20.4' N. lat.). The commercial hook-and-line fishery will remain open during the period of this emergency or until the date NMFS determines that the revised quota of 732,500 lb (332,256 kg) has been reached or is projected to be reached, whichever comes first. Harvests of king mackerel from the open area are limited to 125 fish per vessel per trip.

The Council and NMFS have concluded that the present fishery situation constitutes a social and economic emergency that is properly addressed by this emergency interim rule. The emergency situation: (1) Results from recent, unforeseen events;

(2) is causing serious economic and social problems in the fishery; and (3) justifies an emergency interim rule that would have immediate benefits outweighing the value of prior notice and an opportunity for public comment and deliberative consideration provided under the normal FMP amendment and rulemaking process. The basis for these conclusions is summarized in the following paragraphs.

Fishermen in the hook-and-line commercial fishery for Gulf group king mackerel fishery off the southwest coast of Florida will suffer undue social and economic hardships unless timely action is taken to allow additional king mackerel catches during the 1994-95 fishing year. A substantial portion of these fishermen's annual income is earned during the winter season (November to March) fishing for king mackerel. Record low catches this fishing year have provided insufficient revenues to meet usual living and business expenses.

Opportunities to offset lost income by prosecuting other fisheries are limited and not readily available to these fishermen. Other fisheries in which presently owned gear could be used or converted for use are mostly overcapitalized, unavailable, or most of the seasonal catch already has been harvested.

Events and circumstances that caused the disproportionately low catches of king mackerel off Florida's southwest coast this winter to date were essentially unforeseen and uncontrollable. The unprecedented large catches of king mackerel taken off northwest Florida this fishing year resulted significantly from an increased fishing effort in that area (i.e., a doubling of the northwest Florida king mackerel fishing fleet) that could not be restrained under current FMP measures and implementing regulations. The fourfold increase in fishery production and the taking of most of the 432,500-lb (196,179-kg) hook-and-line west coast sub-zone quota off northwest Florida also resulted from a prolonged fall fishing season, the absence of vessel trip/possession limits and regional quotas, and delayed migration of king mackerel to traditional overwintering grounds off southwest Florida.

The disproportionately large king mackerel catch this fishing year in Florida's northwest fishery is substantially different from recent years. During previous fishing years, both before and after the institution of quota management under the FMP, the major portion of the annual harvest of the Gulf group king mackerel west coast sub-zone quota was taken off southwest

Florida. This distribution of harvest, evident since the early 1900s, has been dependent on a seasonal abundance of king mackerel on overwintering grounds off southwest Florida. As a result of this historic pattern, the southwest Florida fishing industry has developed a significant seasonal dependence on this resource.

The immediate social and economic benefits of adding to the commercial quota for the hook-and-line fishery in the Florida west coast sub-zone and reopening that fishery during this winter season outweigh the value of providing opportunity for advance public review and comment.

NMFS has concluded that this emergency action will not adversely affect the current status of the Gulf group king mackerel stock nor its rebuilding under the program established by the FMP. The additional 300,000-lb commercial quota for king mackerel for the Florida west coast sub-zone does not significantly increase the level of risk of exceeding the acceptable biological catch (ABC) for the 1994-95 fishing year. In addition, estimates indicate that recreational catches did not exceed, but rather were 20 percent (about 700,000 lb (317,515 kg)) below, the 1994-95 recreational allocation of 5.3 million lb (2.4 million kg). As a result, NMFS believes that the additional quota allocation should not measurably affect the stock rebuilding program, which requires the overfished stock to be rebuilt within about one generation time (i.e., within 12 years or by the end of 1996-97 fishing year).

If future changes in total allowable catch (TAC) for Gulf group king mackerel are necessary, as may be determined based on subsequent NMFS scientific stock assessments, the Council will make the necessary adjustments in TAC for the appropriate fishing year to ensure maintenance of the stock rebuilding schedule. Any future changes in TAC will be based not only on any measurable effects of this emergency action, but on the Council's continuing assessment of the levels of biological risk associated with the TAC of 7.8 million lb (3.5 million kg) implemented for the past 3 fishing years. The Council will also consider the impact of persistent quota overruns, which have occurred since the beginning of quota management. Finally, to avoid future emergency situations of this nature, the Council is initiating action that will ensure an equitable distribution of the catch between the regional fisheries within the Florida west coast sub-zone that share the hook-and-line commercial quota for Gulf group king mackerel.

The Gulf group king mackerel stock has been considered overfished according to the FMP's definition of overfishing. The FMP defines overfishing as harvesting at a rate not consistent with the stock rebuilding schedule and its target level for stock size. The FMP also requires the Council to develop annual ABC ranges based on a fishing mortality rate that will achieve and maintain at least a minimum specified spawning potential ratio (SPR) of 30 percent. Under this management approach, the adult spawning stock biomass and the annual ABCs for Gulf group king mackerel have continued to increase during the last nine years of FMP quota management. In addition, a recent workshop of stock assessment biologists concluded that the SPR of 30 percent may be too high a threshold, and that a SPR of 20 percent is more appropriate. Due to this new scientific finding, and to the overall improved condition of the resource, the Council's mackerel stock assessment panel is expected to consider a reduction in the SPR level in 1995. Under a SPR of 20 percent, the Gulf group king mackerel arguably should no longer be considered overfished.

One Gulf Council member submitted a minority report objecting to the request for emergency action. A copy of this report is available upon request (see **ADDRESSES**).

The Council believes that emergency action is an appropriate means to provide expedient relief from the current social and economic problems in the fishery. NMFS concurs. Accordingly, NMFS publishes this emergency interim rule, effective February 1, 1995, through May 8, 1995, as authorized by section 305(c) of the Magnuson Act. By agreement of NMFS and the Council, this emergency interim rule may be extended for an additional period of 90 days.

#### **Classification**

The Assistant Administrator for Fisheries, NOAA, (AA) has determined that this rule is necessary to respond to an emergency situation and is consistent with the Magnuson Act and other applicable law.

This emergency interim rule has been determined to be not significant for purposes of Executive Order 12866.

The AA finds for good cause under 5 U.S.C. 553(b)(B) that the need to relieve social and economic hardships in the Gulf of Mexico mackerel fishery makes it impracticable and contrary to the public interest to provide prior notice and opportunity for public comment on this rule. Because this rule relieves a restriction, under 5 U.S.C. 553(d)(1) it is

not subject to a 30-day delay in effective date and is being made effective immediately.

#### List of Subjects in 50 CFR Part 642

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: February 1, 1995.

**Nancy Foster,**

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

For the reasons set out in the preamble, 50 CFR part 642 is amended as follows:

#### PART 642—COASTAL MIGRATORY PELAGIC RESOURCES OF THE GULF OF MEXICO AND SOUTH ATLANTIC

1. The authority citation for part 642 continues to read as follows:

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

2. In § 642.7, new paragraph (y) is added to read as follows:

##### § 642.7 Prohibitions.

\* \* \* \* \*

(y) In the Florida west coast subzone—

(1) Exceed the trip/possession limit for king mackerel, as specified in § 642.32(b)(1); or

(2) Transfer king mackerel at sea, as specified in § 642.32(b)(4).

3. In subpart B, new § 642.32 is added to read as follows:

##### § 642.32 Opening of the commercial king mackerel fishery for Gulf group king mackerel.

(a) Other provisions of this part 642 notwithstanding, the commercial fishery for king mackerel for vessels fishing under an annual vessel permit specified in § 642.4(a)(1) with hook-and-line gear in the Florida west coast subzone is opened under a revised quota of 732,500 lb (332,256 kg) for the 1994–95 fishing year.

(b) During the opening of the commercial fishery for Gulf group king mackerel specified in paragraph (a) of this section—

(1) King mackerel in or from the EEZ in the Florida west coast subzone may not be possessed aboard or landed from a vessel in a day in quantities exceeding 125 fish. A person who fishes in the EEZ may not combine this trip/possession limit with any trip or possession limit applicable to state waters;

(2) The provisions of § 642.24(a)(4) regarding sale of fish after a closure do not apply to king mackerel harvested by

vessels fishing under an annual vessel permit specified in § 642.4(a)(1) with hook-and-line gear in the Florida west coast subzone.

(3) The provisions of § 642.26(b) regarding fishing for, retention of, and sale of fish after a closure do not apply to king mackerel harvested by vessels fishing under an annual vessel permit specified in § 642.4(a)(1) with hook-and-line gear in the Florida west coast subzone; and

(4) A person for whom the trip/possession limit specified in paragraph (b)(1) of this section applies may not transfer at sea from one vessel to another a king mackerel—

(i) Taken in the EEZ, regardless of where such transfer takes place; or

(ii) In the EEZ, regardless of where such king mackerel was taken.

(c) The Assistant Administrator will close the commercial fishery for king mackerel for vessels fishing with hook-and-line gear in the Florida west coast subzone when he determines that the revised quota specified in paragraph (a) of this section has been reached or is projected to be reached. The Assistant Administrator will file a notification of that date with the Office of the **Federal Register**.

(d) For the purposes of this section, the Florida west coast subzone extends from the Alabama/Florida boundary (87°31'06" W. long.) to the Dade/Monroe County, FL, boundary (25°20.4' N. lat.).

[FR Doc. 95-2893 Filed 2-1-95; 4:58 pm]

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#### 50 CFR Part 672

[Docket No. 941249-4349; I.D. 020295A]

#### Groundfish of the Gulf of Alaska; Pollock in Statistical Area 61

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

**ACTION:** Closure.

**SUMMARY:** NMFS is closing the directed fishery for pollock in Statistical Area 61 in the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the interim specification for pollock in this area.

**EFFECTIVE DATE:** 12 noon, Alaska local time (A.l.t.), February 2, 1995, until 12 noon A.l.t., April 1, 1995, unless superseded by the final 1995 specifications in the *Federal Register*.

**FOR FURTHER INFORMATION CONTACT:** Andrew N. Smoker, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** The groundfish fishery in the GOA exclusive economic zone is managed by the NMFS according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at 50 CFR parts 620 and 672.

The interim specification of pollock total allowable catch in Statistical Area 61 was established by interim specifications (59 FR 65990, December 22, 1994) as 7,595 metric tons (mt), determined in accordance with § 672.20(c)(1)(ii)(A).

The Director of the Alaska Region, NMFS (Regional Director), has determined, in accordance with § 672.20(c)(2)(ii), that the 1995 interim specification of pollock in Statistical Area 61 soon will be reached. The Regional Director established a directed fishing allowance of 6,095 mt, and has set aside the remaining 1,500 mt as bycatch to support other anticipated groundfish fisheries. Because of the low directed fishing allowance and high interest in the fishery, there will be insufficient time to collect and analyze catch data and take appropriate action to ensure the directed fishing allowance is not reached. Therefore, based on the best available information, the Regional Director has determined that the directed fishing allowance will be reached by 12 noon A.l.t., February 2, 1995. Consequently, NMFS is prohibiting directed fishing for pollock in Statistical Area 61.

Directed fishing standards for applicable gear types may be found in the regulations at § 672.20(g).

#### Classification

This action is taken under 50 CFR 672.20 and is exempt from review under E.O. 12866.

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

Dated: February 2, 1995.

**David S. Crestin,**

*Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.*

[FR Doc. 95-2979 Filed 2-2-95; 3:12 pm]

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