

This action apportions reserves to DAP fisheries on a date other than those specified in § 672.20(d)(1)(ii). Under 5 U.S.C. 553(b)(B), the Assistant Administrator for Fisheries, NOAA (Assistant Administrator), for the reasons set forth below, finds good cause to waive prior notice and opportunity for public comment provided by the regulations. This waiver is necessary to allow the harvest of TAC and prevent unnecessary closure of the fishery. Closure of the fishery would be contrary to the public interest. In accordance with § 672.20(d)(5)(iv), comments are invited on the reserve apportionments as noted in "DATES" above.

This action adopts final 1995 harvest specifications for the GOA, revises associated management measures, and closes specified fisheries. Generally, this action does not significantly revise management measures in a manner that would require time to plan or prepare for those revisions. In some cases, such as closures, action must be taken immediately to conserve fishery resources. Without these closures, specified TAC amounts will be overharvested and retention of these species will become prohibited, which would disadvantage fishermen who could no longer retain bycatch amounts of these species. The immediate effectiveness of this action is required to provide consistent management and conservation of fishery resources. Accordingly, the Assistant Administrator finds there is good cause to waive the 30-day delayed effectiveness period under 5 U.S.C. 553(d)(3) with respect to such provisions and to the apportionment discussed above. In some cases, the interim specifications in effect would be insufficient to allow directed fisheries to operate during a 30-day delayed effectiveness period, which would result in unnecessary closures and disruption within the fishing industry; in many of these cases, the final specifications will allow the fisheries to continue, thus relieving a restriction. Provisions of a rule relieving a restriction under 5 U.S.C. 553(d)(1) are not subject to a delay in effective date.

NMFS has determined that the GOA groundfish fisheries are not likely to affect Steller sea lions in a way or to an extent not already considered in previous Section 7 consultations on this fishery. NMFS has determined that reinitiation of formal consultation under this ESA is not required.

NMFS prepared an environmental assessment (EA) on the 1995 TAC specifications. The Assistant Administrator concluded that no

significant impact on the environment will result from their implementation. A copy of the EA is available (see addresses).

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

Dated: February 7, 1995.

**Richard H. Schaefer,**

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

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## 50 CFR Part 672

[Docket No. 950206041-5041-01; I.D. 020695D]

### Groundfish of the Gulf of Alaska; Daily Reporting Requirements

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

**ACTION:** Notice of change in recordkeeping and reporting requirements.

**SUMMARY:** NMFS has determined that Daily Production Reports (DPRs) must be submitted by offshore component processor vessels that catch and/or receive Pacific cod in Statistical Areas 61, 62, and 63 in the Gulf of Alaska (GOA). This action is necessary to prevent exceeding that portion of the total allowable catch (TAC) of Pacific cod allocated to vessels catching Pacific cod for processing by the offshore component in those areas. This action will enable NMFS to effectively monitor the Pacific cod catch and take inseason action to close the fishery prior to its exceeding the TAC.

**EFFECTIVE DATE:** From noon, Alaska local time (A.l.t.), February 8, 1995, through the duration of the 1995 directed offshore Pacific cod fishery in these areas or until the Director, Alaska Region, NMFS (Regional Director) determines the supplementary reporting requirements are no longer necessary. This determination will be published 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 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.

Pursuant to § 672.5(c)(3)(i) the Regional Director is requiring offshore component processor vessels, as defined at § 672.2, that catch and/or receive Pacific cod in Statistical Areas 61, 62, and 63 in the GOA to submit DPRs in addition to weekly processor reports. DPRs must include the information required by § 675.2(c)(3)(ii).

These requirements are necessary to manage the offshore component Pacific cod fisheries in those areas. The Regional Director is doing so in consideration of the potential for exceeding that portion of the total allowable catch (TAC) of Pacific cod allocated to vessels catching Pacific cod for processing by the offshore component in those areas.

The allocation of the TACs for Pacific cod to vessels catching Pacific cod for processing by the offshore component under § 672.20(a)(2)(v)(B) will become available for directed fishing by offshore component vessels with the filing of the final specifications of groundfish for the GOA and are expected to be rapidly harvested.

DPRs must include all information required by § 672.5(c)(3)(ii) for groundfish harvested from the applicable reporting areas. Processors must submit the required information on the "Alaska Groundfish Processor Daily Production Report" form that was distributed to participants in the groundfish fishery with their 1995 Federal fisheries permit. The form also may be obtained from the Regional Director by calling Mary Furuness at 907-586-7228. Processors must transmit their completed DPRs to the Regional Director by facsimile transmission to number 907-586-7131, telex (U.S. code) plus 62296000, or by telephone via number 907-586-7228, no later than 12 hours after the end of the day the groundfish was processed.

If and when the Regional Director determines that these reports are no longer necessary, he may rescind the requirement. Criteria used to assess the need for the reports include the stability of effort and harvest rates in the fishery, and remaining amounts.

The Assistant Administrator for Fisheries, NOAA, finds that reasons justifying implementation of this action also make it impracticable and contrary to the public interest to provide notice and opportunity for prior comment or to delay for 30 days its effective date. Intense fishing effort without DPRs

could result in industry's exceeding these allocations.

### 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 7, 1995.

**David S. Crestin,**

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

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### 50 CFR Parts 611, 675, and 676

[Docket No. 950206040-5040-01; I.D. 111494A]

### Groundfish Fishery of the Bering Sea and Aleutian Islands; Foreign Fishing; Limited Access Management of Federal Fisheries In and Off of Alaska; Final 1995 Harvest Specifications of Groundfish

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

**ACTION:** Final 1995 specifications of groundfish and associated management measures; final rule; technical amendment; closures.

**SUMMARY:** NMFS announces final 1995 harvest specifications of total allowable catches (TACs), initial apportionments of TACs for each category of groundfish, and associated management measures in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to establish harvest limits and associated management measures for groundfish during the 1995 fishing year. In addition, this action implements a technical amendment to update a directed fishery standard and the definition of a fishery category to reflect a change in a BSAI TAC category that resulted from the annual specification process. The technical amendment is necessary to incorporate a change in a groundfish TAC category to accommodate other regulations that limit bycatch amounts of prohibited species or groundfish species closed to directed fishing. NMFS also is closing specified fisheries consistent with the final 1995 groundfish specifications and fishery bycatch allowances of prohibited species. These measures are intended to conserve and manage the groundfish resources in the BSAI.

**EFFECTIVE DATE:** The final 1995 harvest specifications are effective on February

8, 1995, through 2400 Alaska local time (A.l.t.) on December 31, 1995, or until changed by subsequent notification in the **Federal Register**. The closures to directed fishing are effective on February 8, 1995, through 2400 A.l.t., December 31, 1995. The amendments to §§ 675.20 and 675.21 are effective on February 8, 1995.

**ADDRESSES:** Comments on directed fishing closures should be sent to Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802-1668 (Attn: Lori Gravel). The final Environmental Assessment prepared for the 1995 Total Allowable Catch Specifications may be obtained from the same address, or by calling 907-586-7229. The final Stock Assessment and Fishery Evaluation (SAFE) report is available from the North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, AK 99510 (907-271-2809).

**FOR FURTHER INFORMATION CONTACT:** Ellen R. Varosi, NMFS, 907-586-7228.

### SUPPLEMENTARY INFORMATION:

#### Background

Groundfish fisheries in the BSAI are governed by Federal regulations at 50 CFR part 675 that implement the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Island area (FMP). Other applicable regulations are found at 50 CFR 611.93 (foreign fishing) and 50 CFR part 676 (Limited Access Management of Federal Fisheries In and Off of Alaska). The FMP was prepared by the North Pacific Fishery Management Council (Council) and approved by NMFS under the Magnuson Fishery Conservation and Management Act.

The FMP and implementing regulations require NMFS, after consultation with the Council, to specify annually the apportionments of prohibited species catch (PSC) limits among fisheries and seasons (§ 675.21(b)), the TAC, initial TAC (ITAC), initial domestic annual harvest (DAH), and initial total allowable level of foreign fishing (TALFF) for each target species and the "other species" category (§ 675.20(a)(2)). The sum of the TACs must be within the optimum yield (OY) range of 1.4 million to 2.0 million metric tons (mt) (§ 675.20(a)(2)). Specifications set forth in Tables 1-9 of this action satisfy these requirements. For 1995, the sum of TACs is 2,000,000 mt.

The proposed BSAI groundfish specifications and specifications for prohibited species bycatch allowances for the groundfish fishery of the BSAI

were published in the **Federal Register** on December 14, 1994 (59 FR 64383). Comments were invited through January 9, 1995. No written comments were received within the comment period. Public consultation with the Council occurred during the Council meeting in Anchorage, AK, held on December 5-10, 1994. Council recommendations and biological and economic data that were available at the Council's December meeting were considered in implementing the final 1995 specifications.

### Interim Specifications

Regulations under § 675.20(a)(7)(i) authorize one-fourth of each proposed ITAC and apportionment thereof, one-fourth of each PSC allowance, and the first proposed seasonal allowance of pollock to be in effect on January 1 on an interim basis and to remain in effect until superseded by final initial specifications. NMFS published the interim 1995 specifications in the **Federal Register** on December 14, 1994 (59 FR 64346) and corrected January 30, 1995 (60 FR 5762). The final 1995 initial groundfish harvest specifications and prohibited species bycatch allowances contained in this action supersede the interim 1995 specifications.

### TAC Specifications and Acceptable Biological Catch (ABC)

The specified TAC for each species is based on the best available biological and socioeconomic information. The Council, its Advisory Panel (AP), and its Scientific and Statistical Committee (SSC) reviewed current biological information about the condition of groundfish stocks in the BSAI at their September and December 1994 meetings. This information was compiled by the Council's BSAI Groundfish Plan Team and is presented in the final 1995 Stock Assessment and Fishery Evaluation (SAFE) report for the BSAI groundfish fisheries, dated November 1994. The Plan Team annually produces such a document as the first step in the process of specifying TACs. The SAFE report 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 the preliminary ABCs for each species for 1995 and other biological data from the September 1994 draft SAFE report were provided in the discussion supporting the proposed 1995 specifications. The Plan Team's recommended ABCs were reviewed by the SSC, AP, and Council at their