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Ricardo Martinez,
Administrator.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 672

[Docket No. 950206041-5041-01; I.D. 022795A]

Groundfish of the Gulf of Alaska; Pollock in the Eastern Gulf

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

ACTION: Closure.

SUMMARY: NMFS is prohibiting directed fishing for pollock in Eastern Regulatory Area in the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the total allowable catch for pollock in this area.

EFFECTIVE DATE: 12 noon, Alaska local time (A.l.t.), February 27, 1995, until 12 noon A.l.t., December 31, 1995.

FOR FURTHER INFORMATION CONTACT: Michael L. Sloan, 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 initial specification for pollock TAC in the Eastern Regulatory Area in the GOA was established by final initial specifications (60 FR 8740, February 14, 1995) as 3,360 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 final interim specification of pollock in the Eastern Regulatory Area in the GOA soon will be reached. The Regional Director established a directed fishing allowance of 3,000 mt, and has set aside the remaining 360 mt as bycatch to support other anticipated groundfish fisheries. The Regional Director has

determined that the directed fishing allowance has been reached.

Consequently, NMFS is prohibiting directed fishing for pollock in the Eastern Regulatory Area in the GOA.

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 27, 1995.

David S. Crestin,

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

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50 CFR Parts 672 and 675

[Docket No. 900833-1095; I.D. 021595C]

Groundfish of the Gulf of Alaska; Groundfish Fishery of the Bering Sea and Aleutian Islands Area; Bycatch Rate Standards for the First Half of 1995

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

ACTION: Pacific halibut and red king crab bycatch rate standards; response to comments.

SUMMARY: NMFS responds to a comment submitted on Pacific halibut and red king crab bycatch rate standards for the first half of 1995. NMFS previously published these bycatch rate standards in the Federal Register for comment as required under regulations implementing the vessel incentive program (VIP). No change in the Pacific halibut or red king crab bycatch rate standards is specified as a result of this action.

EFFECTIVE DATE: The effective date of the January 12, 1995, final rule is 12:01 a.m., Alaska local time (A.l.t.), January 20, 1995, through 12 midnight, A.l.t., June 30, 1995.

FOR FURTHER INFORMATION CONTACT: Susan J. Salveson, 907-586-7228.

SUPPLEMENTARY INFORMATION:

Regulations at §§ 672.26 and 675.26 implement a VIP to reduce halibut and red king crab bycatch rates in the groundfish trawl fisheries. Regulations at §§ 672.26(c) and 675.26(c) require that halibut and red king crab bycatch rate standards for each fishery included

under the incentive program be published in the Federal Register.

NMFS published Pacific halibut and red king crab bycatch rate standards for the first half of 1995 in the Federal Register on January 12, 1995 (60 FR 2905), and solicited comments from the public until January 23, 1995. One letter of comment was received within the comment period that is summarized in the Response to Comments section, below. After review of the comment received, NMFS determined that no change to the bycatch rate standards for the first half of 1995 is warranted. Additional information on the derivation of the 1995 bycatch rate standards is contained in the January 12, 1995, publication of these standards in the Federal Register.

Response to Comments

One letter of comment was received within the comment period that ended January 23, 1995. A summary of the comment and NMFS' response follows.

Comment. Given an agreement among many vessel operators to use large mesh trawl gear in the Bering Sea rock sole fishery to reduce groundfish discard amounts, NMFS should make allowances for vessels that have higher halibut and red king bycatch rates if the higher rates are a result of decreased discard amounts of groundfish as a result of large mesh trawl gear, rather than increased amounts of halibut or crab.

Response. The North Pacific Fishery Management Council (Council) reviewed current and historical halibut and red king crab bycatch rates when recommending that NMFS implement the VIP bycatch rate standards for the first half of 1995 that were published in the Federal Register on January 12, 1995. When recommending these rates, the Council was aware of the fact that some vessels may use large mesh trawl gear and that the resulting bycatch rates of halibut and red king crab could increase. However, no information was available on whether the use of large mesh trawl gear would result in vessel bycatch rates that exceed the recommended VIP standard established for the "other trawl" fishery category, which includes the rock sole fishery. The Council, therefore, recommended to maintain the current VIP bycatch rate standards until information is available on which to base a change in these standards, and regulatory changes are implemented to allow a separate bycatch rate standard for the rock sole fishery.

Voluntary industry efforts to reduce groundfish discard amounts are laudable. Nonetheless, NMFS does not