

takings of polar bear and walrus during energy operations will have a negligible impact on these species, and there will be no unmitigable adverse impacts on the availability of these species for subsistence uses by Alaskan Natives. If the provisions of the draft Strategy are adopted, and its implementation is initiated, the requirements of the Beaufort Sea regulations will have been met, and they can extend for an additional 42 months.

However, the Service has determined that completion of the final Strategy cannot be achieved by June 16, 1995, because of extensive public interest and the substantial number of comments received concerning the draft Strategy. Under current circumstances, which indicate that Beaufort Sea oil and gas activities continue to pose no more than a negligible impact to polar bear and walrus, a short-term extension of the incidental take regulations is in order so that a full and fair review of all public comments on the draft Strategy can be made. The Service finds that an extension of 60 days will not affect its "negligible impact" finding or its finding that oil and gas activities in the Beaufort Sea will not have an unmitigable adverse effect on the availability of polar bear and walrus for subsistence uses. The Service therefore is extending the effective period of the Beaufort Sea regulations for an additional 60 days through August 15, 1995. This is a prudent and justifiable action that will allow time to adequately review comments, finalize the Strategy, and begin its implementation.

This final rule action neither reopens the comment period on either the draft Strategy or the proposed rule to extend the period of effectiveness of the Beaufort Sea regulations through December 15, 1998, nor does it complete the Service's decision making on the March 17, 1995, proposed rule to extend the effective date of those final regulations through December 15, 1998. It merely extends for 60 days the effectiveness of the Beaufort Sea regulations during which time the Service will analyze public comments and make final decisions on the Strategy and the March 17, 1995, proposed rule. The new final decision date of August 15, 1995, will be the same for both documents (i.e., the Strategy and the proposed rule).

This 60-day extension of the Beaufort Sea regulations is effective immediately. The Service believes there is good cause to take this immediate action because of extensive public interest, the need to thoroughly consider the substantial number of comments that were submitted and to make any necessary

and appropriate changes to the draft Strategy prior to making final decisions on both the draft Strategy and proposed rule to extend the Beaufort Sea regulations, and because to do otherwise would cause the Beaufort Sea regulations to lapse, thereby denying Industry the basic protections afforded by the MMPA's section 101(a)(5)(A). While prudent policy calls for further deliberation on the draft Strategy, there is no biological justification for allowing the Beaufort Sea regulations to expire.

#### Required Determinations

During the rulemaking process to develop Beaufort Sea regulations, the Service prepared an Environmental Assessment with a FONSI on Industry's proposed actions. This rule was not subject to review by the Office of Management and Budget under Executive Order 12866. Under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, it was also determined the rule would not have a significant economic effect on a substantial number of small entities. Furthermore, the final rule was not expected to have a potential takings implication under Executive Order 12630 because it authorized incidental, but not intentional, take of polar bear and walrus by Industry and thereby exempts them from civil and criminal liability. The rule also did not contain policies with federalism implications sufficient to warrant preparation of a Federalism Assessment under Executive Order 12612. The above identified required determinations associated with the Service's original rulemaking process associated with the Beaufort Sea are still valid for this current final rule.

The collections of information associated with this final rule have been approved by the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and assigned clearance number 1018-0070.

#### List of Subjects in 50 CFR Part 18

Administrative practice and procedure, Imports, Indians, Marine mammals, Transportation.

For the reasons set forth in the preamble, Part 18, Subchapter B of Chapter 1, Title 50 of the Code of Federal Regulations is amended as set forth below:

#### PART 18—MARINE MAMMALS

1. The authority citation for 50 CFR Part 18 continues to read as follows:

**Authority:** 16 U.S.C. 1361 *et seq.*

2. Section 18.122 of Subpart J is revised to read as follows:

#### § 18.122 Effective dates.

Regulations in this subpart, originally effective for an 18-month period from December 16, 1993, through June 16, 1995, will continue in effect for an additional 60-day period through August 15, 1995, for oil and gas exploration, development, and production activities.

Dated: June 5, 1995.

**George T. Frampton, Jr.,**  
Assistant Secretary for Fish and Wildlife and Parks.

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#### DEPARTMENT OF COMMERCE

#### National Oceanic and Atmospheric Administration

#### 50 CFR Part 301

[Docket No. 950106003-5070-02; I.D. 060895A]

#### Pacific Halibut Fisheries

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

**ACTION:** Inseason action; non-treaty commercial fishing period limits in Area 2A.

**SUMMARY:** The Assistant Administrator for Fisheries, NOAA, on behalf of the International Pacific Halibut Commission (IPHC), publishes this inseason action pursuant to IPHC regulations approved by the U.S. Government to govern the Pacific halibut fishery. This action is intended to enhance the conservation of the Pacific halibut stock in order to help sustain it at an adequate level in the northern Pacific Ocean and Bering Sea. **EFFECTIVE DATE:** 8:00 a.m. through 6:00 p.m., July 5, 1995.

**FOR FURTHER INFORMATION CONTACT:** Steven Pennoyer, 907-586-7221; William W. Stelle, Jr., 206-526-6140; or Donald McCaughran, 206-634-1838.

**SUPPLEMENTARY INFORMATION:** The IPHC, under the Convention between the United States of America and Canada for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea (signed at Ottawa, Ontario, on March 2, 1953), as amended by a Protocol Amending the Convention (signed at Washington, DC, on March 29, 1979), has issued this inseason action pursuant to IPHC regulations governing the Pacific halibut fishery. The regulations have been approved by NMFS (60 FR 14651, March 20, 1995).

On behalf of the IPHC, this inseason action is published in the **Federal Register** to provide additional notice of its effectiveness, and to inform persons subject to the inseason action of the restrictions and requirements established therein.

**Inseason Action**

**1995 Halibut Landing Report Number 2**

**Non-Treaty Commercial Fishing Period Limits in Area 2A**

The IPHC has determined that fishing period limits will be required during the 10-hour, July 5, 1995, non-treaty directed commercial fishing period in Area 2A to avoid exceeding the 91,052 pounds (41.30 metric tons) catch limit. Fishing period limits as indicated in the following table will be in effect for this

opening. Note that the fishing period limits for the three smallest vessel classes have all been set at the same level.

Vessel class		Fishing period limit (pounds)	
Length	Letter	Dressed, head on	Dressed, head off *
0-25 .....	A	225	200
26-30 .....	B	225	200
31-35 .....	C	225	200
36-40 .....	D	530	465
41-45 .....	E	570	500
46-50 .....	F	675	595
51-55 .....	G	755	665
56+ .....	H	1,135	1,000

\*Weights are after 2 percent has been deducted for ice and slime if fish are not washed prior to weighing.

The appropriate vessel length class and letter is printed on each halibut license.

The fishing period limit is shown in terms of dressed, head-off weight as well as dressed, head-on weight although fishermen are reminded that regulations require that all halibut from Area 2A be landed with the head on.

The fishing period limit applies to the vessel, not the individual fisherman, and any landings over the vessel limit will be subject to forfeiture and fine.

Dated: June 9, 1995.

**Richard W. Surdi,**

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

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