

Conservation of Atlantic Tunas (ICCAT) among the various domestic fishing categories.

Closure

Implementing regulations for the Atlantic tuna fisheries at 50 CFR 285.22 provide for a total annual quota of 438 mt of large medium and giant Atlantic bluefin tuna to be harvested from the regulatory area by vessels permitted in the General category. To date, over 527 mt have been harvested. Regulations also provide for an annual quota of 324 mt for the Angling category. Best available estimates indicate that the Angling category quota has been harvested for 1995.

NMFS is required, under 285.20(b)(1), to monitor the catch and landing statistics and, on the basis of these statistics, to project a date when the catch of ABT will equal the quota applicable to any period and publish a **Federal Register** announcement stating that fishing for, retaining, possessing or landing ABT must cease on a date and at a specified hour, and not recommence until the opening of the subsequent quota period.

Fishing for, retention, possessing, or landing large medium or giant ABT by vessels in the General category must cease at 11:59 p.m. local time September 12, 1995. Fishing for, retention, possessing, or landing schools, large schools, small medium, large medium, or giant ABT by vessels in the Angling category must cease at 11:59 p.m. local time September 17, 1995. The intent of this action is to prevent further overharvest of the quota established for these categories.

The Harpoon category was previously closed on August 11, 1995 (60 FR 42469, August 16, 1995). The Incidental and Purse Seine categories will remain open until quotas for these categories are reached.

Inseason Transfers

Under the implementing regulations at 50 CFR 285.22(f), the Assistant Administrator for Fisheries, NOAA (AA), has the authority to make adjustments to quotas involving transfers between vessel categories or, as appropriate, subcategories if, during a single year quota period or the second year of a biannual quota period as defined by ICCAT, the AA determines, based on landing statistics, present year catch rates, effort, and other available information, that any category, or as appropriate, subcategory, is not likely to take its entire quota as previously allocated for that year. Given that determination, the AA may transfer inseason any portion of the quota of any

fishing category to any other fishing category or to the reserve after considering the following factors: (1) The usefulness of information obtained from catches of the particular category of the fishery for biological sampling and monitoring the status of the stock; (2) the catches of the particular gear segment to date and the likelihood of closure of that segment of the fishery if no allocation is made; (3) the projected ability of the particular gear segment to harvest the additional amount of Atlantic bluefin tuna before the anticipated end of the fishing season; (4) the estimated amounts by which quotas established for other gear segments of the fishery might be exceeded.

The bluefin have migrated to their summer feeding grounds in New England waters and incidental catch by longline vessels operating south of 34° N. lat. is no longer expected to occur. A total of 60 mt currently remain of the amount allocated to this southern subcategory. The Incidental category longline-north has exceeded its allocation of 23 mt for vessels fishing north of 34° N. lat. Once the quota is reached for this northern subcategory, any bluefin tuna incidentally taken by longline vessels must be discarded at sea. In order to prevent waste of bluefin tuna that might otherwise be discarded dead, it is reasonable to transfer quota from the southern to the northern subcategory.

Reallocating 15 mt from the Incidental longline-south category responds to the criteria listed above as follows: Incidental category landings are a major contributor to the collection of biological data on this fishery; incidental catches by longline vessels in 1995 have been high, and it would be necessary to close this subcategory of the fishery unless additional quota allocation were made.

NMFS also transfers from the Reserve to the General, Harpoon, and Angling categories. The purpose of these transfers is to cover overharvest in these categories.

Classification

This action is taken under 50 CFR 285.20(b) and 50 CFR 285.22 and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 971 *et seq.*

Dated: September 12, 1995.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

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50 CFR Part 672

[Docket No. 950206041-5041-01; I.D. 090895A]

Groundfish of the Gulf of Alaska; Prohibit Retention of Sablefish in the West Yakutat District

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

ACTION: Closure.

SUMMARY: NMFS is prohibiting retention of sablefish by vessels using trawl gear in the West Yakutat district of the Gulf of Alaska (GOA). NMFS is requiring that catches of sablefish by vessels using trawl gear in this area be treated in the same manner as prohibited species and discarded at sea with a minimum of injury. This action is necessary because the share of the sablefish total allowable catch (TAC) assigned to trawl gear in the West Yakutat district of the GOA has been reached.

EFFECTIVE DATE: 12 noon, Alaska local time (A.l.t.), October 1, 1995, until 12 midnight, A.l.t., December 31, 1995.

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

SUPPLEMENTARY INFORMATION: The groundfish fishery in the GOA exclusive economic zone is managed by NMFS according to the Fishery Management Plan for the Groundfish Fishery 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.

In accordance with § 672.24(c)(2), the share of the sablefish TAC assigned to trawl gear in the West Yakutat district of the GOA was established by the Final 1995 Harvest Specifications of Groundfish (60 FR 8470, February 14, 1995), as 205 metric tons.

The Director, Alaska Region, NMFS, has determined, in accordance with § 672.24(c)(3)(ii), that the share of the sablefish TAC assigned to trawl gear in the West Yakutat district of the GOA has been reached. Therefore, NMFS is requiring that further catches of sablefish by vessels using trawl gear in the West Yakutat district of the GOA be treated as prohibited species in accordance with § 672.20(e).

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: September 11, 1995.

Richard W. Surdi,

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

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50 CFR Part 675

RIN 0648-AH69

[Docket No. 950414105-5227-03;I.D.
082495D]

**Groundfish of the Bering Sea and
Aleutian Islands; Observer
Requirements**

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

ACTION: Final rule; technical
amendment.

SUMMARY: NMFS issues a technical
amendment to the final rule
implementing Amendment 35 to the
Fishery Management Plan for the
Groundfish Fishery of the Bering Sea
and Aleutian Islands (FMP). This action
clarifies observer coverage requirements
established for shoreside processing
facilities and mothership processor
vessels during the second pollock
season.

EFFECTIVE DATE: September 18, 1995.

FOR FURTHER INFORMATION CONTACT: Kaja
Brix, 907-586-7228.

SUPPLEMENTARY INFORMATION: The final
rule implementing Amendment 35 to
the FMP was published in the **Federal**

Register on July 5, 1995 (60 FR 34904).
The preamble to that rule explains that
regulatory amendments were
implemented that "would increase 1995
observer coverage for mothership
processor vessels and for some
shoreside processors receiving pollock
harvested in the catcher vessel
operational area (CVOA)* * *." This
technical amendment clarifies the
regulatory language of that final rule to
more accurately reflect the original
purpose and intent of that rule.

The final rule requires a second
NMFS-certified observer for mothership
processor vessels and certain shoreside
processing facilities during the second
pollock season, which begins August 15.
The intent of the rule is to ensure that
processors receiving pollock harvested
from the CVOA have adequate observer
coverage in order to count accurately
the number of nonchinook salmon taken
as bycatch in the pollock fishery.
Amendment 35 established a bycatch
limit of 42,000 nonchinook salmon for
the second pollock season.

The preamble to the final rule
explains that shoreside processing
plants that "receive pollock harvested
from the CVOA during the 1995 nonroe
season and that offload fish at two
locations on the same dock and have
distinct and separate equipment to
process those fish will also be required
to have an extra observer" (60 FR
34905). A second observer is necessary
because of the large volume of pollock
that could be offloaded at these facilities
and the additional time required by
observers to count salmon bycatch.
While the regulation uses the term
"fish," the intent was to require an
additional observer only for those

shoreside processors that offload and
process pollock at more than one
location.

NMFS is clarifying the regulation at
§ 675.25(b)(2) by changing the word
"fish" in § 675.25(b)(2) to "pollock."
Thus, it will now be clear that two
observers are required only at facilities
that meet all three of the following
criteria: (1) Receive pollock harvested
by catcher vessels in the CVOA during
the second pollock season, (2) offload
pollock at more than one location on the
same dock of that facility, and (3) have
distinct and separate equipment at each
location to process those pollock.
Regulations at § 675.25(b)(1) also require
an additional observer on mothership
processor vessels that receive pollock
from catcher vessels harvesting in the
CVOA during the second pollock
season. The second observer at
shoreside processor facilities and on
mothership processor vessels is required
until the chum salmon savings area
(CSSA) is closed due to attainment of
the 42,000 nonchinook bycatch limit.
The intent of the regulation is to have
the additional observer present at the
processor to count the salmon to be
counted toward the salmon bycatch
limit.

Under the final rule, salmon bycatch
during the second pollock season is
counted through October 14 or until the
bycatch limit is reached, whichever
occurs first. The additional observer is
not necessary once the bycatch limit is
reached or after October 14. NMFS is
clarifying the intent of the regulations to
require the additional observer to be
present until either the CSSA is closed
(i.e., the bycatch limit has been reached)
or October 15, whichever occurs first.