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.

[FR Doc. 95–23028 Filed 9–12–95; 4:59 pm]

BILLING CODE 3510–22–P

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.

[FR Doc. 95–23009 Filed 9–15–95; 8:45 am]

BILLING CODE 3510–22–F

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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.